

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE RECOMMENDATION OF THE NEIGHBORHOOD/COMMUNITY AFFAIRS COMMITTEE AT ITS OCTOBER 31, 2018 MEETING RELATING TO "5G" TECHNOLOGY, AND DIRECTING THE CITY ADMINISTRATION TO: (1) AUTHORIZE THE CITY'S INDEPENDENT SEWER SYSTEM EXPERT, HAZEN AND SAWYER, TO PREPARE A RESPONSE TO THE REBUTTAL REPORT BY CABLERUNNER INTERNATIONAL (TO HAZEN AND SAWYER'S APRIL 20, 2018 RECOMMENDATION AGAINST THE USE OF THE CITY'S SEWER SYSTEM TO INSTALL A CABLE NETWORK THROUGHOUT THE CITY); (2) RETAIN A STORMWATER SYSTEM EXPERT TO CONDUCT A STUDY ON THE FEASIBILITY OF USING THE CITY'S STORMWATER SYSTEM TO INSTALL FIBER OPTIC CABLE (AS PROPOSED BY CABLERUNNER), AND AUTHORIZE CABLERUNNER TO PAY THE COSTS ASSOCIATED WITH SUCH STUDY; (3) RETAIN A CONSULTANT WITH APPROPRIATE EXPERTISE TO EVALUATE THE VARIOUS "5G" TECHNOLOGIES AND TO PROVIDE RECOMMENDATIONS TO THE CITY COMMISSION ON HOW TO QUICKLY AND EFFICIENTLY OBTAIN "5G" INFRASTRUCTURE, AND TO COMPARE THE VARIOUS TECHNOLOGIES, INCLUDING BUT NOT LIMITED TO REVIEWING THE "SMART CITY" PROPOSAL SUBMITTED BY JOHNSON CONTROLS; AND (4) CONSULT WITH THE CITY'S EXPERT, OUTSIDE COUNSEL ON TELECOMMUNICATIONS REGARDING THE INDUSTRY, THE TECHNOLOGY, AND THE PROPOSAL, INCLUDING A REVIEW OF POSSIBLE STATE PREEMPTION.

**WHEREAS**, CableRunner International (CableRunner) is a company based in Vienna, Austria that offers a mechanism to install fiber optic conduits within gravity-based sanitary sewer systems, benefiting from the connectivity and proximity to homes; and

**WHEREAS**, CableRunner believes that stormwater systems can also be utilized for CableRunner's technology; and

**WHEREAS**, CableRunner has issued an unsolicited proposal to the City to utilize either the City's sanitary sewer system or the City's stormwater system to install fiber optic cables in order to provide "5G" technology rapidly and efficiently through the City; and

**WHEREAS**, on February 14, 2018, the Mayor and City Commission referred the unsolicited proposal from CableRunner to the Finance and Citywide Projects Committee (Finance Committee) for review; and

**WHEREAS**, the Finance Committee issued a recommendation to the City Commission that the City hire an expert to review the unsolicited proposal; and

**WHEREAS**, in March 2018, the Mayor and City Commission directed that the Administration retain a consultant to review the unsolicited proposal, and to opine whether it would be appropriate to utilize the City's sewer system for said purpose; and

**WHEREAS**, on or about April 20, 2018, the City's sewer system experts, Hazen and Sawyer, performed an evaluation of CableRunner's technology and considered local conditions in Miami Beach to determine the suitability of installing an in-sewer fiber optic network, and recommended against utilizing the sewer system; and

**WHEREAS**, CableRunner would like to meet with Hazen and Sawyer and requests that the City authorize Hazen and Sawyer to respond to CableRunner's rebuttal to Hazen and Sawyer's April 20, 2018 report; and

**WHEREAS**, a discussion was held during the October 31, 2018 Neighborhood/Community Affairs Committee (NCAC) meeting relating to the CableRunner proposal; and

**WHEREAS**, pursuant to the discussion, the NCAC made four recommendations to the Mayor and City Commission relating to the unsolicited proposal and relating to "5G" technology, requesting that the Mayor and City Commission:

- (1) Authorize the City's independent sewer system expert, Hazen and Sawyer, to prepare a response to the rebuttal report by CableRunner International (to Hazen and Sawyer's April 20, 2018 recommendation against the use of the City's sewer system to install a cable network throughout the City);
- (2) Retain a stormwater system expert to conduct a study on the feasibility of using the City's stormwater system to install fiber optic cable (as proposed by CableRunner), and authorize CableRunner to pay the costs associated with such study;
- (3) Retain a consultant with appropriate expertise to evaluate the various "5G" technologies and to provide recommendations to the City Commission on how to quickly and efficiently obtain "5G" infrastructure, and to compare the various technologies, including but not limited to reviewing the "Smart City" proposal submitted by Johnson Controls; and
- (4) Consult with the City's expert, outside counsel on telecommunications regarding the industry, the technology, and the proposal, including a review of possible state preemption.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby accept the recommendation of the Neighborhood/Community Affairs Committee at its October 31, 2018 meeting relating to "5G" technology and, direct the City Administration to: (1) authorize the City's independent sewer system expert, Hazen and Sawyer, to prepare a response to the rebuttal report by CableRunner International (to Hazen and Sawyer's April 20, 2018 recommendation against the use of the City's sewer system to install a cable network throughout the City); (2) retain a stormwater system expert to conduct a study on the feasibility of using the City's stormwater system to install fiber optic cable (as proposed by CableRunner), and authorize CableRunner to pay the costs associated with such study; (3) retain a consultant with appropriate expertise to evaluate the various "5G" technologies and to provide recommendations to the City Commission on how to quickly and efficiently obtain "5G" infrastructure, and to compare the various technologies, including but not limited to reviewing the "Smart City" proposal submitted by Johnson Controls; and (4) consult with the City's expert, outside counsel on telecommunications regarding the industry, the technology, and the proposal, including a review of possible state preemption.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

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Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

12/19/18  
\_\_\_\_\_  
Date