

RESOLUTION NO. _____ (N.C.S.)

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A MASTER LICENSE AGREEMENT TO PROVIDE A LICENSE TO AT&T TO USE CITY-OWNED INFRASTRUCTURE WITHIN THE RIGHT-OF-WAY FOR THE INSTALLATION OF SMALL WIRELESS FACILITIES

WHEREAS, the City of Salinas (“City”) is a charter city organized and operating pursuant to the California Constitution and with powers and authority stemming therefrom, including Sections 5 and 7 of Article XI; and

WHEREAS, the City of Salinas desires to comply with all mandates regarding public utilities as imposed upon it by state and federal law; and

WHEREAS, on April 17, 2018, the Salinas City Council adopted Resolution 21369, which determined that there is a need for SWFs in the City of Salinas, defined the terms and conditions under which the City would support such installations, and established the requirement for a Master Lease Agreement between the City and the installer of telecommunications equipment for the use of City facilities; and

WHEREAS, on October 15, 2018, the Federal Communications Commission (FCC) published an Administrative Order in the Federal Register, declaring that SWFs are permitted by right on City-owned property in the ROW, subject to the requirements of the Administrative Order and “reasonable” City regulations and fees; and

WHEREAS, on April 2, 2019, the Salinas City Council adopted regulations and fees to govern the permitting, inspection, and monitoring of Small Wireless Facilities within the City Right-of-Way; and

WHEREAS, pursuant to the above, the City and AT&T have negotiated a Master License Agreement for the use of City-owned facilities within the right-ow-way for Small Wireless Facilities; and

WHEREAS, the Agreement would promote economic development through the installation of equipment necessary to maintain performance of the existing 4G network and support installation of the 5G network, which are necessary to support the development of many business types as well as provide access to job training and job seeking tools to residents; and

WHEREAS, the Agreement would enhance residents’ quality of life by improving wireless networks which support numerous recreational functions enjoyed by residents, including video steaming and social media, while maintain aesthetic requirements through Design Standards and ensuring that radiofrequency emissions do not exceed levels permitted by the FCC; and

WHEREAS, the Agreement would promote equity by providing an available potential location to install Small Wireless Facilities throughout the City, facilitating access to all portions of the City by a national provider of wireless services.

NOW, THEREFORE, BE IT RESOLVED that the Salinas City Council finds that the proposed Agreement promotes the goals of economic development, quality of life, and equity as defined in Resolution 21369, and hereby authorizes the Mayor to sign the Agreement on the City’s behalf.

PASSED AND APPROVED this 13th day of August, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

Exhibit A – Proposed Lease Agreement, including Exhibits 1-5

Exhibit 1 – Definitions

Exhibit 2 – Licensor's Current Design Regulations

Exhibit 3 – Current Licensor Fees

Exhibit 4 – Required Permit Information

Exhibit 5 – Form of Site License