

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING THE FORM OF A MASTER
LICENSE AGREEMENT FOR WIRELESS FACILITIES ON
CITY POLES IN THE RIGHT-OF-WAY

WHEREAS, the City Council approved Resolution 18601 on March 18, 1997, conceptually approving the marketing of City properties for use by telecommunication companies; and

WHEREAS, the City Council has requested that staff ensure that consumers have access to competitive, state of the art telecommunication services within the City; and

WHEREAS, as the need for these and related services increases, new locations are required for the various telecommunication companies to site their facilities and equipment; and

WHEREAS, the City has an interest in locating such facilities where potential visual impacts are minimized; and

WHEREAS, over the years, the City and communication companies have negotiated a standard agreement called a Master License Agreement (MLA) that provides for siting, installing, and operating small cell and substantially similar facilities in accordance with City standards and subject to regulatory approvals, while establishing a regular revenue stream to the City; and

WHEREAS, the proposed MLA is for a ten-year term and contains standard rates, terms, and conditions applicable to the deployment of small cell facilities to be located on City street lights and traffic signals, on a competitively neutral and nondiscriminatory basis; and

WHEREAS, pursuant to the MLA, the Licensee will be required to enter into individual Pole License Agreements (PLA) for use of each individual pole within the City; and

WHEREAS, during the first year of the initial term, the Licensee will compensate the City for each pole attachment with an annual license fee of \$1,500, including an additional \$500 additional carrier fee for co-locations, subject to annual fee increases of 3.5% per year, to be deposited in the City General Fund; and

WHEREAS, in order to fully implement the MLA, numerous actions must be taken and various documents must be executed; and

WHEREAS, the Development Services Director has reviewed the proposed agreement and determined that the activity is not subject to CEQA and that each individual wireless facility will have environmental review once the projects are further defined and a CEQA determination will be completed prior to installation of any new facilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it approves the form and material terms of the Master License Agreement for Wireless Facilities on City Poles in the Right-of-Way attached hereto as Exhibit 1; and

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista that it authorizes the City Manager, or designee, to negotiate with qualified licensees for a period of five (5) years to enter into Master License Agreements with the City of Chula Vista on substantially similar or better material terms as approved by this resolution; authorizes the City Attorney to make such modifications to each Master License Agreement as necessary or appropriate for legal compliance or risk mitigation; and authorizes the Mayor, or designee, to execute all Master License Agreements on behalf of the City of Chula Vista; and

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista that it authorizes the City Manager, of designee, to execute on behalf of the City of Chula Vista all other documents necessary to implement each Master License Agreement, including but not limited to Pole License Agreements, on forms prescribed or approved by the City Attorney.

Presented by

Approved as to form by

Eric Crockett
Economic Development Director

Glen R. Googins
City Attorney