

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING A MASTER LICENSE
AGREEMENT WITH NEW CINGULAR WIRELESS RCS, LLC
(AT&T) FOR SMALL WIRELESS FACILITIES WITHIN THE
CITY'S 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, various telecommunication companies desire new locations 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 with New Cingular Wireless RCS, LLC (AT&T) is for a ten-year term and contains standard rates, terms, and conditions applicable to the deployment of small cell facilities to be located within the City's right-of-way, 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 \$270, subject to annual fee increases of 3% per year, to be deposited in the City's General Fund; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it approves the Master License Agreement with New Cingular Wireless RCS, LLC (AT&T) for Small Wireless Facilities Within the City's Right-of-Way, in the form presented, with such minor modifications as may be required or approved by the City Attorney, a copy of which shall be kept on file in the Office of the City Clerk, and authorizes and directs the City Manager, or designee, to execute same.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista that it authorizes the City Manager, or designee, to execute on behalf of the City of Chula Vista all other documents necessary to implement the 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