



Legislation Text

File #: 18-434, **Version:** 1

RESOLUTION of the City of San Leandro City Council to Approve a Master License Agreement for Small Cell Pole Attachment Installations with ExteNet Systems (California) LLC and to Approve Administrative and License Fees Pursuant to the Master License Agreement

WHEREAS, the City of San Leandro owns street light poles, traffic signal poles, safety poles, and other poles (each, a “City Pole”) within the public right-of-way; and

WHEREAS, ExteNet Systems (California) LLC, a wireless infrastructure provider requested permission to deploy new small cell facilities on City Poles that will enhance private wireless service throughout the community; and

WHEREAS, under existing federal and state law, the City retains certain authority to regulate private wireless telecommunications facilities in the public right-of-way; and

WHEREAS, approving a Master License Agreement for Small Cell Pole Attachment Installations (“MLA”) would allow the City to exert its authority over these facilities, including the authority to regulate the aesthetic qualities of the facilities and the appropriateness of the equipment within each neighborhood; and

WHEREAS, the proposed MLA with ExteNet Systems (California) LLC will create uniform terms and conditions applicable to wireless facilities installed on City-owned poles; and

WHEREAS, the proposed MLA would not directly grant any rights to use City Poles, but rather establishes the procedures, terms and conditions under which licensee can obtain Pole Licenses according to the City's Encroachment Permit process; and

WHEREAS, the City negotiated the terms of the proposed MLA with ExteNet Systems (California) LLC; and

WHEREAS, the proposed MLA contains administrative and license fees, in addition to performance guarantees and penalties for violations, which are comparable to fees in similar jurisdictions.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows:

1. That the MLA with ExteNet Systems (California) LLC is approved by the City Council; and
2. That the City Manager is authorized to execute the MLA with ExteNet Systems (California) LLC on behalf of the City of San Leandro in substantially the same form as attached hereto; to make any revisions, amendments, corrections and modifications to the

MLA subject to the approval of the City Attorney, as deemed necessary to carry out the intent of this Resolution and which do not materially alter or increase the City's obligations thereunder; and

3. That the collection of all fees prescribed by the MLA with ExteNet Systems (California) LLC is approved, and said fee payments shall be directed to a General Revenue account to be established by the Finance Director; and
4. That the City Manager is authorized to delegate the processing and execution of individual Pole Licenses in substantially the same form as attached hereto to the Engineering and Transportation Director or designee.