

RESOLUTION NO. RES-2017-022

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING COUNCIL POLICY 300-04 - DEVELOPMENT OF TELECOMMUNICATION FACILITIES ON CITY PROPERTY AND INSTALLATION OF ANTENNAS ON CITY FACILITIES AND EXCLUDING TELECOMMUNICATIONS ENCROACHMENTS FROM OTHER CONTINUING ENCROACHMENTS ADDRESSED PURSUANT TO COUNCIL RESOLUTION NO. 26620

WHEREAS, it is in the City's interest to allow and encourage installation of up-to-date wireless and wired communications infrastructure to serve its citizens; and

WHEREAS, the City Council has adopted Council Policy 300-04, DEVELOPMENT OF TELECOMMUNICATION FACILITIES ON CITY PROPERTY AND INSTALLATION OF ANTENNAS ON CITY FACILITIES, for the purpose of setting forth procedures by which requests for the development and siting of telecommunications facilities on City property are processed and may be ultimately approved by the City; and

WHEREAS, City Code Chapter 13-04, STREET ENCROACHMENTS, and Council Resolution No. 26620, set forth requirements and certain fees associated with encroachments within the City's right of way that are intended to continue for more than one year, including the requirement that the holder of such an encroachment permit enter into a revocable license agreement; and

WHEREAS, the requirements and fees set forth in Council Resolution No. 26620 are not specifically tailored to telecommunication facilities and are distinguishable from other types of long term encroachments due to (1) their visibility and number, (2) their likelihood to be collocated on City street light poles and traffic signal lights, (3) the interest of the telecommunications industry for an irrevocable long term master license agreement from the City, and (4) the City's interest that all telecommunications facilities are pursued and processed consistent with Council Policy 300-04; and

WHEREAS, notwithstanding Council Resolution No. 26620, in those cases where a continuing telecommunications infrastructure right of way encroachment is required, it is desirable to negotiate a long term non-exclusive master license agreement with the permit holder that will ease the process of having multiple sites within the City's right of way, protect the City's legal interests and provide greater certainty to the permit holder, and therefore these types of continuing encroachments should be excluded from the requirements of Council Resolution No. 26620, and instead be processed consistent with Council Policy 300-04; and

WHEREAS, it is advisable to amend the existing Council Policy 300-04 to clarify certain separate requirements for telecommunications facilities that will be collocated on existing City facilities within the City right of way; and

WHEREAS, review of applications and negotiation of appropriate master license agreements pursuant to Council Policy 300-04 requires staff time for which there is an existing application fee of \$2,000.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby amends City Council Policy 300-04 and adopts the amended form of the policy attached hereto at Exhibit A.

BE IT FURTHER RESOLVED that Exhibit A is made part of this Resolution.

BE IT FURTHER RESOLVED, that the Council hereby excludes continuing telecommunications encroachments from the requirements of Council Resolution No. 26620 in favor of compliance with the provisions of Council Policy 300-04, as amended.

IN COUNCIL DULY PASSED this 14th day of February, 2017.

AYES: (7) Mayor Coursey, Vice Mayor Tibbetts, Council Members Combs, Olivares, Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

Interim City Attorney

Exhibit A – Amended City Council Policy No. 300-04