



Folsom City Council Staff Report

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| MEETING DATE: | 2/14/2023 |
| AGENDA SECTION: | Consent Calendar |
| SUBJECT: | Resolution No. 10986 - A Resolution Authorizing the City Manager to Execute a Communications Site License Agreement Between New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, and the City of Folsom |
| FROM: | Parks and Recreation Department |

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends the City Council approve Resolution No. 10986 - A Resolution Authorizing the City Manager to Execute a Communications Site License Agreement Between New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, and the City of Folsom.

BACKGROUND / ISSUE

A representative for AT&T Mobility Corporation, managing corporation for New Cingular Wireless PCS, LLC, a Delaware limited liability company, contacted staff in July 2021 regarding an interest in locating a wireless communications facility at Livermore Community Park. New Cingular Wireless provides wireless communication service used for wireless data and voice services. This proposal is for a 1,600 square foot ground space area for a new 89' stealth monopine cellular tower with 12 antennas and 15 remote radio units.

Livermore Community Park is the preferred location for a new tower that will include the FirstNet Program or First Responders Network. This network is reserved for first responders' use in an emergency situation in which standard communications are not operational using band 14 frequency. All existing and future AT&T cellular tower sites are required to carry band 14 frequency per an agreement between the First Responder Network Authority and AT&T, as well as the 2012 Spectrum Act.

Staff presented this project to the Parks and Recreation Commission on March 1, 2022, and received approval to proceed with negotiations with AT&T and to forward recommendations to the Planning Commission.

In accordance with the zoning requirements for this use, a public hearing was held for the Conditional Use Permit at the Planning Commission on January 18, 2023. The CUP was approved.

POLICY / RULE

A city may lease property owned, held, or controlled by it for a period not to exceed 55 years. Gov't Code section 37380.

Resolution No. 6047 approved June 22, 1999, provides for the receipt of revenue generated from license agreements for communications facilities within park and recreation lands, and the dedication of those funds to a renovation rehabilitation fund for park improvements.

ANALYSIS

The major terms and conditions of the proposal are highlighted below and were a significant part of both the Parks and Recreation and Planning Commissions' consideration in recommending approval of the agreement and approval of the use permit.

- 1) Construction activity and construction access shall be coordinated with park maintenance staff to minimize impacts to park users and maintenance schedules.
- 2) An initial lease term of 10 years with three automatic renewal terms of 5 years each for a total possible lease term of 25 years.
- 3) A one-time capital improvement fee from the applicant in the amount of \$25,000 which shall be used for park maintenance.
- 4) Initial annual lease rate of \$40,000 with an annual escalator of 3% after the first year for a not to exceed ground area of 1,600 SF.

FINANCIAL IMPACT

The total value of the license agreement, inclusive of renewal option years, would be \$1,483,370.57 over the 25-year period. In addition, New Cingular Wireless has agreed to pay a onetime Park Improvement fee of \$25,000 up front. The City Attorney's Office has reviewed and approved the license agreement as to form.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was approved by Planning Commission on January 18, 2023. No further environmental review is required.

ATTACHMENTS

1. Resolution No. 10986 - A Resolution Authorizing the City Manager to Execute a Communications Site License Agreement Between New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, and the City of Folsom

Submitted,

Lorraine Poggione,
Parks & Recreation Director

RESOLUTION NO. 10986

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COMMUNICATIONS SITE LICENSE AGREEMENT BETWEEN NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND THE CITY OF FOLSOM

WHEREAS, on March 1, 2022, the Parks and Recreation Commission recommended executing a Communications Site License agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company, a subsidiary of AT&T mobility, at Livermore Community Park; and

WHEREAS, on January 18, 2023, the Planning Commission approved a Conditional Use Permit and found the project would not have significant impacts on the environment as mitigated; and

WHEREAS, upon approval of this resolution, AT&T Mobility must submit construction plans to the Community Development Department for review and approval for issuance of a building permit prior to executing the agreement and prior to commencing construction of an 89' stealth monopine cellular tower, equipment shelter, and back-up generator; and

WHEREAS, the monopine cellular tower would support the First Responder Network Authority FirstNet Program in which first responders have a dedicated communication frequency during emergency situations; and

WHEREAS, the total value of the license agreement, inclusive of renewal option years, would be \$1,483,370.57 over a 25-year period; and

WHEREAS, the one-time payment of \$25,000 shall be deposited to the Park Impact Fee Fund (412).

WHEREAS, the agreement will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom:

1. Hereby approves Resolution No. 10986 - A Resolution Authorizing the City Manager to Execute a Communications Site License Agreement Between New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, and the City of Folsom.
2. Directs the Finance Department to deposit the one-time revenue of \$25,000 into the Park Impact Fee Fund (412).

PASSED AND ADOPTED this 14th day of February 2023, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

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CITY OF
FOLSOM
DISTINCTIVE BY NATURE