



Folsom City Council Staff Report

MEETING DATE:	6/13/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11047 - A Resolution Authorizing the City Manager to Execute a Communications Site License Agreement with Dish Wireless, LLC
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends the City Council approve Resolution No. 11047 - A Resolution Authorizing the City Manager to Execute a Communications Site License Agreement with Dish Wireless, LLC.

BACKGROUND / ISSUE

The existing communications site license agreement for the tower at Lew Howard Park is between the City of Folsom and Sacramento Valley Limited Partnership, a Delaware limited partnership d/b/a Verizon Wireless effective December 23, 2011. Amendment No. 1 to this agreement effective December 7, 2020, states that the Licensee has the right to permit other communication providers to sublease with the Licensor's written consent, but that the additional provider is obligated to enter into a separate license agreement with the Licensor.

A representative from Verizon Wireless contacted the Parks & Recreation Department in June 2021 requesting consent for a proposed sublease to Dish Wireless, LLC. They were advised to submit a permit request to the Community Development Department, and that we would require a separate license agreement with Dish Network.

A representative from Dish Wireless, LLC, contacted the Community Development Department in November 2021 regarding their interest in subleasing on the existing cell tower in Lew Howard Park. This project will help support the 5G connectivity needs of residents, businesses, public services, education, health care and first responders. Their proposal calls for minor

modifications to the existing tower which will not substantially change the physical dimensions of the existing tower or facility.

POLICY / RULE

The City Manager shall receive City Council authority to execute contracts in excess of \$70,952.

ANALYSIS

The major terms and conditions of the proposed agreement are highlighted below.

- 1) The term will commence on the first day of the month following the commencement of the installation of their facilities and will run concurrently with the term of the Communications Site License Agreement with the Licensee Verizon Wireless which expires December 31, 2041.

- 3) Initial annual sublease rate of \$13,500 with an annual escalator of 3% after the first year.

FINANCIAL IMPACT

Dish Wireless, LLC estimates that installation could be complete in September 2023 with the agreement commencing in October 2023 which would make the total value of the license agreement \$321,840 through the remainder of the agreement until December of 2041. This revenue will apply to the general fund.

ENVIRONMENTAL REVIEW

Environmental review is not required pursuant to section 15301 of the CEQA Guidelines (related to Existing Facilities) and section 15303 of the CEQA Guidelines (related to new construction or conversion of small structures). Based on staff's analysis, none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case.

ATTACHMENTS

Resolution No. 11047 - A Resolution Authorizing the City Manager to Execute a Communications Site License Agreement with Dish Wireless, LLC

Submitted,

Kelly Gonzalez, Parks & Recreation Director

RESOLUTION NO. 11047

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COMMUNICATIONS SITE LICENSE AGREEMENT WITH DISH WIRELESS, LLC

WHEREAS, Amendment No. 1 to the Communications Site License Agreement with Sacramento Valley Limited Partnership, a Delaware limited partnership d/b/a Verizon Wireless gives the licensee the right to permit other providers to sublease with the Licensor's consent and a written agreement; and

WHEREAS, Verizon Wireless desires to sublease their tower to Dish Wireless, LLC; and

WHEREAS, Dish Wireless desires to sublease the tower from Verizon Wireless; and

WHEREAS, the annual sublease rate will be \$13,500 with an annual escalator of 3% after the first year; and

WHEREAS, the total value of the agreement would be \$321,840 through December of 2041; and

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 authorizes the City Manager to execute a communications site license agreement with Dish Wireless, LLC.

PASSED AND ADOPTED this 13th day of June 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