

RESOLUTION NUMBER 5484

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING A MASTER NETWORK LICENSE AGREEMENT BY AND BETWEEN THE CITY OF PERRIS AND NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (“COMPANY”) FOR A 10-YEAR RENEWABLE PERIOD TO LEASE, INSTALL AND OPERATE SMALL CELL (STEALTH) WIRELESS FACILITIES

WHEREAS, New Cingular Wireless PCS, LLC, a Delaware limited liability company (“Company”) is an Incumbent Local Exchange Carrier (ILEC) with a Wireless Identification Registration Number (WIN) assigned by the California Public Utilities Commission (CPUC); and

WHEREAS, the City of Perris and the Company desire to enter into that certain Master Network License Agreement (“MNLA”), in which the Company will install, maintain and operate a small cell wireless system (“Network”), within the City’s right-of-way, at no cost to the City so that wireless service providers with contracts to use the Network may provide wireless telecommunications and data services to the residents and visitors of the City who respectively contract with these wireless service providers (“Services”); and

WHEREAS, subject to 47 U.S.C. §253 and applicable laws, the City desires to grant right-of-way access to the Company for installation of the Network, subject to the terms and conditions of the MNLA; and

WHEREAS, Company desires to obtain from City, and City is willing to grant to Company, the right to use the Sites to locate, place, attach, install, operate, use, control, repair, replace, upgrade, enhance and maintain the Small Cell Facilities in a manner consistent with the Permit, the Wireless Ordinance, and the Agreement; and

WHEREAS, on March 20, 2019, the Company was granted approval for a Conditional Use Permit (the “Entitlement” or “Permit”) (CUP #18-05339) to locate three initial facilities within the City, by the Planning Commission at the locations set forth in the Entitlement, which is incorporated herein by this reference, subject to the terms and conditions set forth in the Entitlement Conditions of Approval and the City’s Wireless Telecommunication Facilities Ordinance (“Wireless Ordinance”), Chapter 19.85 of Title 19 of the Municipal Code (Zoning Code); and

WHEREAS, the City Council hereby determines the MNLA was a condition of project approval for Conditional Use Permit #18-05339 for which a Categorical Exemption was adopted under Section 15300 of CEQA, as a Class 1 Existing Facility and is covered under the Categorical Exemption.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the above recitals are all true and correct and incorporated herein by reference.

Section 2. That the City Council hereby determines and finds based upon its independent judgment, the Master Network License Agreement (MNLA) by and between the City of Perris and New Cingular Wireless PCS, LLC was a condition of project approval for Conditional Use Permit #18-05339 for which a Categorical Exemption was adopted on March 20, 2019 and is covered under the adopted Categorical Exemption.

Section 3. That for the forgoing reasons that the City Council approves the Master Network License Agreement by and between the City of Perris and New Cingular Wireless PCS, LLC to operate a small cell wireless system (the “network”) to lease, install and operate small cell (stealth) wireless facilities at locations provided for in the Master Network License Agreement, attached hereto and incorporated by reference.

Section 4. That the City Manager is hereby authorized to execute the Master Network License Agreement, including any related and necessary documents.

Section 5. That should any provisions, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

Section 6. That the Mayor shall sign this Resolution and the City Clerk shall certify the adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 23rd day of April 2019.

Michael M. Vargas, Mayor

ATTEST:

Nancy Salazar, City Clerk

State of California)
County of Riverside) §
City of Perris)

I, Nancy Salazar, City Clerk of the City of Perris, California, do hereby certify that the foregoing Resolution Number 5484 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 23th day of April 2019, by the following vote.

AYES: ROGERS, MAGAÑA, CORONA, RABB, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Nancy Salazar, City Clerk