

RESOLUTION NO. R-2019-

A RESOLUTION authorizing a Master License Agreement with New Cingular Wireless for use of the City's rights-of-way to install, maintain, and operate small cell wireless facilities.

WHEREAS, small cell wireless facilities create opportunities for increased wireless service to residents of Yakima; and

WHEREAS, New Cingular Wireless seeks to utilize utility poles within the City's rights-of-way to install small cell wireless facilities; and

WHEREAS, rather than requiring New Cingular Wireless to file for a new right-of-way use permit each time it seeks to install, maintain, or repair a small cell wireless facility it is more efficient to enter into a Master License Agreement covering the use of rights-of-way within the City; and

WHEREAS, this Master License Agreement does not allow New Cingular Wireless to avoid the wireless facilities zoning requirements found in Yakima Municipal Code section 15.29, nor does it allow New Cingular Wireless to use City-owned utility poles without the consent of the City; and

WHEREAS, under the Agreement each small cell facility must pay a yearly license fee; and

WHEREAS, the Federal Communications Commission (FCC) has created a number of regulations limiting the scope of charges and restrictions a municipality can place on small cell wireless facilities; and

WHEREAS, the City Council of the City of Yakima finds that it is in the best interest of the City and its residents to enter into a Master License Agreement with New Cingular Wireless to operate within the rights-of-way under the Agreement's terms and conditions; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

The City Manager is hereby authorized to execute the Master License Agreement between the City of Yakima and New Cingular Wireless outlining the terms and conditions of operating within the City rights-of-way and utilizing utility poles within the rights-of-way. A copy of the Master License Agreement is attached hereto and fully incorporated herein.

ADOPTED BY THE CITY COUNCIL this 19th day of February, 2019.

Kathy Coffey, Mayor

ATTEST:

Sonya Claar Tee, City Clerk