

RESOLUTION NO. 20-\_\_\_\_\_

**Resolution Of The City Council Of The City Of Emeryville Approving A Master License Agreement Between The City Emeryville And New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, (AT&T) And Authorizing The City Manager To Execute The Agreement**

**WHEREAS**, on September 26, 2018, the FCC adopted the Declaratory Ruling and Third Report and Order in the *Matter of Accelerating Wireless Broadband Deployment BY Removing Barriers to Infrastructure Investment* (FCC 18-133, WT Docket No. 17-79, 85 FR 51867) (the "Ruling"), which impacts the City's ability to regulate wireless facilities; and

**WHEREAS**, the City Council has adopted both Ordinance No. 19-001 (an urgency ordinance, and Ordinance No. 19-002, both of which amended the Planning Regulations to ensure that the City could comply with the Ruling; and

**WHEREAS**, Emeryville Municipal Code section 9-5.1704(c)(7) requires a wireless communications carrier to sign a master license agreement prior to applying for permits from the City to install wireless facilities; and

**WHEREAS**, AT&T desires to modify the City's standard terms and conditions in the master license agreement, and the City desires to accommodate those modifications; now, therefore

**BE IT RESOLVED** by the City Council of the City of Emeryville that it does hereby authorize the City Manager to execute the master license agreement with AT&T, attached hereto as Exhibit A, and to execute any amendment, provided the amendment does not modify the term of the master license agreement or the Fee, as that term is defined in the master license agreement.

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, May 19, 2020, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:



\_\_\_\_\_  
CITY ATTORNEY