

STOCKTON CITY COUNCIL

RESOLUTION APPROVING AN AMENDMENT TO FISCAL YEAR 2021-2022 COMMUNITY DEVELOPMENT DEPARTMENT, ENGINEERING FEE SCHEDULE TO INCORPORATE TWO NEW FEES RELATED TO SMALL WIRELESS FACILITIES PERMIT AND RESERVATION, AND APPROVING THE AMENDMENT TO SECTION 100 OF STANDARD SPECIFICATIONS AND PLANS FOR THE CITY OF STOCKTON

Technology developments and demand for high-speed mobile data service and capacity have extended beyond the capabilities of traditional macro-cell wireless communications facilities; and

Wireless providers have accelerated their small wireless facilities deployments in the public right-of-way, and the City wishes to manage these accelerated deployments in a way that preserves local aesthetics and public health and safety while balancing the benefits of these new technologies for the City's businesses and residents to the greatest extent practicable; and

The City owns a substantial number of assets within the public right-of-way that may be suitable for installing small cell wireless facilities within the City's jurisdiction and has a duty to derive appropriate value from the City's property assets for the benefit of the public; and

Licensees desire to install, maintain and operate small wireless facilities on the City assets in the public right-of-way in a manner consistent with the City's regulatory authority, and Licensees will compensate the City for the right to use the City's assets for communications purposes; and

Pursuant to Section 253 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, codified as 47 U.S.C. § 253, the City controls access to and use of City right-of-way, and may require reasonable compensation for such use on a competitively-neutral and nondiscriminatory basis so long as such compensation is disclosed; and

City staff has evaluated resources involved in permitting small wireless facilities and developed two new fees to defray costs associated with Small Wireless Facilities site reservation, permit plan check, issuance, and inspection; and

On July 27, 2021, the City Council conducted a duly noticed public hearing for an amendment of the Fiscal Year (FY) 2021-22 Adopted Fee Schedule; Community Development Department, Engineering to incorporate two new fees for Small Wireless Facilities Reservation Fee and Small Wireless Facilities Permit; and

On September 27, 2016, by Resolution No. 2016-09-27-1213, the City Council adopted the revision to the City of Stockton Standards Specifications and Plans which serves as a guide for standardization of public works installations within the City; and

Standard Specifications and Plans provide design and construction criteria based on the most current engineering and/or industry practices; and

The proposed amendment to Section 100, Street Opening and Pavement Restoration Regulations, of the City of Stockton Specification and Plans incorporates provisions for joint trench practice (Dig-Once) and update references to outdated standards and practices; and

Dig-Once practice encourages coordination among the entities that occupy the City's right-of-way to minimize the number and scale of excavation's, thereby maintaining the aesthetic character of the community, protecting the resident's safety and welfare, and prevents reoccurring pavement damage, thereby preserving the City and community investment in roadway infrastructure; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The proposed amendment to the FY 2021-22 Adopted Fee Schedule to incorporate two new fees for Small Wireless Facilities Reservation Fee and Small Wireless Facilities Permit is adopted as outlined in Exhibit 1, attached and incorporated by this reference.

2. The amendment of the FY 2021-22 Adopted Fee Schedule will contain two new fees:

- Small Wireless Facilities Reservation Fee (per City-owned asset) \$187.00
- Small Wireless Facilities Permit Fee (per application) \$1,025.00

3. The amendment to the FY 2021-22 Adopted Fee Schedule for incorporating the new fees shall be effective sixty (60) days following this adoption pursuant to California Government Code 66017.

4. The amendment to Section 100, Street Opening and Pavement Restoration Regulations, of the City of Stockton Specification and Plans is adopted as outlined in Exhibit 2, attached and incorporated by this reference.

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5. The City Manager is authorized to take such other actions as are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED and ADOPTED July 27, 2021.

KEVIN J. LINCOLN II
Mayor of the City of Stockton

ATTEST:

ELIZA R. GARZA, CMC
City Clerk of the City of Stockton