



Item No. 2 Town of Atherton

CITY COUNCIL STAFF REPORT – ACTION ITEM

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: ROBERT BARRON III, FINANCE DIRECTOR

DATE: MARCH 4, 2015

**SUBJECT: ADOPT FEE RESOLUTION TO SET FEES FOR THE ADOPTED
WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE.**

RECOMMENDATION

Adopt the attached Resolution setting the fee requirements for permits related to Wireless Telecommunications Facilities.

BACKGROUND

Over the past couple of months the Council has been discussing the creation of a Wireless Telecommunications Facility Ordinance. The City Council discussed the proposed ordinance at the November 5, 2014 Study Session and introduced the ordinance for first reading at the December 17, 2014 Regular Meeting. On January 21, 2015 the Council held a second reading and urgency ordinance adoption of the Wireless Telecommunications Facility Ordinance. The Council took public comment, discussed and adopted the urgency ordinance.

FINDINGS

Based on City Attorney recommendation, the suggested Town process for wireless facility permits is established as fee amount per application via a \$2,500 permit fee per facility and a Planning review fee of \$2,500. Any additional costs for review of the WTF permit application will be at the specified hourly rates in the Master Fee Schedule.

The Council also discussed setting the terms, conditions and the lease amount of Wireless Telecommunication Facilities on public right-of-way. Lease amounts were set at \$3,200 per month per location. This amount is not required to be within the Town's Fee Resolution as it is ultimately a negotiated amount per lease agreement to be approved by the City Council. However, it represents the base amount for any lease.

Fee Resolution for Wireless Telecommunication Facilities

March 4, 2015

Page 2 of 2

POLICY ISSUES

This fee resolution will set fees for review requirements and for a Wireless Telecommunication Facility permit that will allow the Town to address the installations of WTFs.

FISCAL IMPACT

None at this time.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically.

Information about the issue is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENTS

Wireless Telecommunications Facility Fee Resolution

RESOLUTION NO. xx-xx

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON
ADOPTING A WIRELESS TELECOMMUNICATION FEE SCHEDULE FOR
THE TOWN OF ATHERTON**

WHEREAS, the City Council has reviewed and adopted the Wireless Telecommunication Facilities (WTF) Ordinance, Atherton Municipal Code Chapter 12.05, on or about January 21, 2015 by Urgency Ordinance; and

WHEREAS, an approved WTF may not be installed or modified without a permit, unless specifically excepted within the ordinance, and shall include payment of an appropriate fee established for processing and review of the WTF application by Town staff; and

WHEREAS, The City Councils finds and determines that the amount of the fees set forth below bear a reasonable relationship to the direct and indirect cost of providing the service and regulatory act for which the fees are charged, and that such fees are reasonable, fair, and equitable in nature and proportionately representative of the costs incurred by the Town; and

WHEREAS, this fee does not include any charge for use of any Town property or right-of-way which will be addressed separately on a case-by-case basis prior to construction of any approved WTF; and

WHEREAS, it is recommended the City Council approve and adopt fees for processing of WTF permits as set forth below.

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings.

The City Council finds and adopts the above statements to be true and correct.

Section 2. Amount of Processing Fee.

The City Council hereby approves and adopts the Wire Telecommunications Facility Processing Fee Schedule as attached to this Resolution as Exhibit A, "WTF Fee Schedule".

Section 3 Effective date.

The fees identified in Exhibit A shall take immediately upon adoption of this Resolution by the Town Council.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 4th day of March, 2015, by the following vote:

*AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:*

Rick DeGolia, Mayor

ATTEST:

Theresa N. DellaSanta, City Clerk

APPROVED AS TO FORM:

William Conners, City Attorney

Town of Atherton

Exhibit A

1. Planning Review Fee-Wireless Telecommunications Facility	\$2,500*
2. Wireless Telecommunication Permit Fee	\$2,500*

*Plus any additional costs to process application at specified hourly rates in master fee schedule