



## Agenda Report

18-856

Agenda Date: 6/26/2018

### REPORT TO COUNCIL

#### **SUBJECT**

Note and File Correction to June 12 Motion for Item #7 - Small Cell Attachment Rate on City Owned Wooden Electric Utility Poles

#### **BACKGROUND**

During the June 12, 2018 Council and Authorities Concurrent Meeting, the Council heard Item #7 - Public Hearing: Small Cell Attachment Rate on City Owned Wooden Electric Utility Poles. In accordance with State law (AB 1027), the purpose of the staff report was to hold a public hearing on a proposed Resolution setting small cell attachment rate to City owned wooden electric utility poles, and set August 21, 2018 for the adoption of the Resolution.

After the public hearing was conducted and closed, a motion was made to adopt the Resolution for the item referenced above which was approved unanimously. However, the motion recommended was to set a public hearing date for adoption of the resolution. Unfortunately, staff did not catch this issue during the meeting.

AB 1027 indicates that the governing body of the local publicly owned electric utility shall approve the ordinance or resolution or contract to adopt or increase the fee, or adopt or change the terms and conditions of access subject to this part, at a subsequent open and public meeting as part of a regularly scheduled meeting, no earlier than 30 days after the initial public meeting.

The recommendation to adopt a Resolution setting the small cell attachment rate to City owned wooden electric utility poles will return to Council on August 21, 2018, more than 30 days after the initial public meeting on June 12, 2018, in accordance with AB 1027.

#### **DISCUSSION**

Due to the action taken, staff recommends that Council acknowledges that the motion should have been to set August 21, 2018 as the date to adopt the resolution. With Council acknowledgement, the City Clerk will bring the appropriate minutes for Council approval. An acknowledgement to the correction to the motion is recommended due to the requirements of AB 1027. The correction will be made to the minutes of the June 12, 2018 meeting, and shall be effective when the minutes are approved.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

**FISCAL IMPACT**

There is no additional cost to the City other than staff time.

**COORDINATION**

This report has been coordinated with the City Attorney's Office and City Clerk's Office.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Note and file the correction to the June 12, 2018 motion for Item #7 - Small Cell Attachment Rate on City Owned Wooden Electric Utility Poles.

Reviewed by: John Roukema, Chief Electric Utility Officer

Approved by: Deanna J. Santana, City Manager