

RESOLUTION NO. 2026-044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, APPROVING A RIGHT-OF-WAY USE AGREEMENT WITH ARCADIAN INFRACOM 2, LLC FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF TELECOMMUNICATION FACILITIES PURSUANT TO CEQA GUIDELINES SECTIONS 15303 AND IN THE ALTERNATIVE 15301, AND AUTHORIZING FILING OF A NOTICE OF EXEMPTION.

WHEREAS, the City of Fontana (“City”) owns and controls certain public rights-of-way within its jurisdiction, the location; and

WHEREAS, Permittee desires to construct and maintain telecommunications facilities within the public rights-of-way as shown on Exhibit “A” of the Agreement (“Right-of-Way”); and

WHEREAS, Arcadian Infracom 2, LLC (“Permittee”) holds a full-facilities based Certificate of Public Convenience and Necessity originally issued by the California Public Utilities Commission under Decision 21-03-027 to Arcadian Infracom, Inc. (U-7381-C), which certificate was transferred to Permittee effective June 15, 2023 pursuant to Advice Letter No. 4, and as such is a telephone corporation that has a non-exclusive franchise to use the Right-of-Way under Cal. Pub. Util. Code § 7901, subject to the exercise of the City’s police powers consistent with Cal. Pub. Util. Code §§ 7901 and 7901.1, and 2902.

WHEREAS, the City and Permittee have negotiated a Master Encroachment Agreement (“Agreement”) establishing the terms and conditions under which Permittee may apply for encroachment permits and, upon approval, install and maintain such facilities; and

WHEREAS, the Agreement is attached hereto as Exhibit “A” and incorporated herein by this reference as though fully set forth herein; and

WHEREAS, the parties desire to enter into the Agreement on the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Fontana, California as follows:

Section 1. Incorporation of Recitals. The City Council of the City of Fontana (“City Council”) hereby finds and determines that the recitals of this Resolution are true and correct and are hereby incorporated in this Resolution.

Section 2. CEQA. The City Council finds that approval of the Agreement is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures), as the

project involves the installation of small new facilities, including fiber optic infrastructure, within existing public rights-of-way. In the alternative, City Council finds that the project is exempt pursuant to CEQA Guidelines Section 15301 (Existing Facilities), as the project consists of minor alterations to existing public facilities. The City further finds that none of the exceptions to categorical exemptions set forth in CEQA Guidelines Section 15300.2 apply. Staff is directed to file a Notice of Exemption.

Section 3. Approval. The City Council hereby approves the Agreement attached hereto as Exhibit "A". The City Manager, or designee, is authorized to execute the Agreement, and to make minor revisions, subject to approval as to form by the City Attorney.

Section 4. Custodian of Records. The Deputy City Clerk is hereby designated the official "Custodian of Records" and shall develop policies and procedures for the implementation of the City-wide records program and Records Retention Schedule. The Custodian of Records is hereby authorized to carry out the City-wide records program and any related policies and procedures under the direction of the City Manager. The Custodian of Records is further authorized to update the Records Retention Schedule from time to time to incorporate changes in local, state and federal laws affecting retention of City records.

Section 5. Rescinding Prior Resolutions. The City Council hereby rescinds any and all previous resolutions or portions thereof to the extent that they conflict with this Resolution and the revised Records Retention Schedule adopted herein.

Section 6. Certification. The City Clerk shall certify to the adoption of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this 9th day of June, 2026.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting held on the 9th day of June 2026, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

EXHIBIT "A"

CITY OF FONTANA MASTER ENCROACHMENT AGREEMENT

ARCADIAN INFRACOM 2, LLC

[ATTACHED]