



MEMO TO: Planning and Public Works Committee of the Whole

FROM: Paul Cho, Manager, Traffic Operations Safety and Engineering

DATE: April 16, 2019

SUBJECT: Resolution to Delegate Authority for the Mayor to Approve Small Cell Wireless Communication Facilities Master License Agreements for City-owned Light Poles

I. PURPOSE ☐ For Info Only ☐ Potential Agenda Item ☒ Scheduled for Council Action

II. RECOMMENDATION

A Resolution of the City Council of the City of Redmond, Washington, delegating authority to the Mayor or his designee to approve licenses, permits, and agreements for the use of city-owned poles within the rights-of-way.

III. DEPARTMENT CONTACTS

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Paul Cho, P.E., Engineering Manager, 425-556-2751

IV. DESCRIPTION/BACKGROUND

In April and June 2018, the City Council approved modifications to both the Redmond Zoning Code (RZC) and the Redmond Municipal Code (RMC), respectively, to enable deployment of Small Cell facilities and equipment within the City right-of-way. These efforts supported both state and federal mandates to promote the efficient deployment of Small Cell facilities and networks, and to offer a predictable process for wireless service providers.

In October 2018, the Federal Communications Commission (FCC) issued a Report and Order and Declaratory Ruling (the “Ruling”) that preempted much of the local authority to locate and permit Small Cell facilities. This Ruling established new federal standards for review times, aesthetic standards, administrative fees, and rent. Public Works staff is bringing forward changes to RMC 12.14 at this time. Planning staff has begun revising the RZC to conform to this Ruling, and will be bringing these changes to City Council for approval in coming months.

Staff worked with the City Attorneys’ office to draft the attached Master License Agreement template to allow for the installation of Small Cell facilities on City-owned light poles in right-of-way. This Ruling set 60 days as the allowable time to review and approve a Small Cell Facility. This time is too short for staff to conduct a comprehensive review of the plans and permits, finalize a Master License Agreement, and complete the

Committee and Council approval process. Accordingly, this Resolution is asking the City Council to delegate authority to the Mayor to approve these Agreements in order to reach approvals within 60 days.

A. Analysis

Process to Date:

- April 3, 2018 City Council approved amending the RZC to allow for Small Cell Facilities and Networks
- June 19, 2018 City Council approved amending the RMC to establish the processes for permitting and the construction standards for Wireless Communication Facilities and Small Cell Networks.

Service Delivery or Fiscal Impacts:

- The aesthetic appearance of the Small Cell facilities will be governed by the standards set forth in the RZC and RMC.
- The location of the facilities will be as proposed by the wireless service providers, but will also be subject to the restrictions of the RZC and RMC.
- Staff will review each installation to ensure that there will be minimal impact to the operation and maintenance of other City infrastructure.
- The fees and rent collected for the small cell facilities should offset any costs to the City for staff time spent in reviewing and negotiating the License Agreement for these installations.

V. TIME CONSTRAINTS

There are several wireless services providers (i.e. AT&T, Verizon, and Mobilitie) that have expressed interest in installing small cell facilities on City-owned infrastructure in the right-of-way. The FCC ruling set January 14, 2019, as the effective date of their Report and Order and Declaratory Ruling.

City Council review on this topic is scheduled as follows:

- April 9th – Planning and Public Works Committee briefing
- April 16th - Council meeting to approve action

VI. LIST OF ATTACHMENTS

1. Resolution of the City Council of the City of Redmond, Washington, delegating authority to the Mayor or his designee to approve licenses, permits, and agreements for the use of city-owned poles within the rights-of-way
2. Small Cell Wireless Communication Facilities Master License Agreement for City-owned Light Poles