



MEMO TO: Members of the City Council

FROM: Mayor John Marchione

DATE: April 16, 2019

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

I. RECOMMENDED ACTION

Adoption of a Resolution delegating authority to the Mayor or his designee to approve licenses, permits, and agreements and establishing administrative fees and rent amounts for the use of city-owned poles within the rights-of-way.

II. DEPARTMENT CONTACTS

| | |
|--|--------------|
| Kristi Wilson, Interim Public Works Director | 425-556-2529 |
| Paul Cho, P.E., Engineering Manager | 425-556-2751 |

III. 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.

IV. PREVIOUS DISCUSSIONS HELD

| Date | Action/Committee Presentation |
|------------|---|
| 04/03/2018 | Approve RZC to allow for Small Cell Facilities & Networks |
| 06/19/2018 | Approve RMC Amendment establishing permitting and construction standards for Wireless Communication Facilities & Small Cell Networks. |
| Today | Adoption of Resolution |

V. IMPACT

A. Service/Delivery:

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.

B. Fiscal Note:

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.

VI. ALTERNATIVES TO STAFF RECOMMENDATION

The Council could choose not to delegate this authority to the Mayor. This would extend the time needed to review and process a Master License Agreement, and likely extend approval beyond the 60-day limit set by the FCC Ruling.

VII. TIME CONSTRAINTS

There are several wireless services providers (i.e. AT&T, Verizon, Mobilitie) that have expressed interest in installing small cell antennas 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:

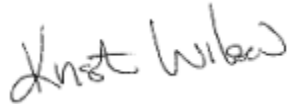
- April 9th – Planning and Public Works Committee briefing

- April 16th - Council meeting to approve action

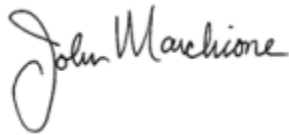
VIII. LIST OF ATTACHMENTS

Attachment A: Resolution

Attachment B: Master License Agreement



Kristi Wilson, Interim Director of Public Works



Approved for Agenda

John Marchione, Mayor