



SMALL CELL URGENCY ORDINANCE & MASTER LICENSE AGREEMENT

**CITY COUNCIL MEETING
JANUARY 7, 2019**

AGENDA

- ▶ History & Timeline
- ▶ FCC Order and Impacts to City
- ▶ Proposed Urgency Ordinance
- ▶ Master License Agreement Template
- ▶ Discussion



HISTORY & TIMELINE OF EVENTS

- ▶ **March 1, 2017:** Mobilitie Presentation to Facilities Committee
- ▶ **October 15, 2017:** Governor Jerry Brown Vetoes SB 649
- ▶ **Nov 2017 – August 2018 (Approx.):** City Staff Negotiate Master License Agreements with Mobilitie and ExteNet. AT&T negotiations begin.
- ▶ **September 17, 2018:** City Staff present Draft ExteNet and Mobilitie MLAs; City Council votes to send to Facilities Committee
- ▶ **September 26, 2018:** FCC Adopts Declaratory Ruling on Small Cell Deployments
- ▶ **November 14, 2018:** Facilities Committee Meeting with input on Draft MLA
- ▶ **December 3, 2018:** City Council adopts MLA with ExteNet
- ▶ **January 7, 2019:** Proposed Urgency Ordinance & Template MLA



FCC Order: Declaratory Ruling

- ▶ **What is it?** FCC's interpretation of the 1996 Federal Telecommunications Act that limits state or local regulations
- ▶ **What does it do?** Provides guidance on fees local governments may charge and how they may regulate issues such as tower spacing, equipment design and other aesthetic concerns.



FCC Order: New Regulations

“Shot Clock” Rules:

- ▶ **Collocation of small wireless facilities:** 60 days
- ▶ **Collocation of facilities other than small wireless facilities:** 90 days.
- ▶ **Construction of new small wireless facilities:** 90 days
- ▶ **Construction of new facilities other than small wireless facilities:** 150 days.



FCC Order: Impacts to City

- ▶ Have to comply with Shot Clocks
- ▶ Effectively cannot say “No” to future permit applications if compliant with Order
- ▶ Wireless providers could challenge non-compliance with Order
- ▶ Must have aesthetic guidelines and other local regulations published when the Order goes into effect or lose local control
- ▶ Effective Date: Jan 14, 2019
 - ▶ Legal Actions: Federal Appeals Court is hearing consolidated cases



Proposed Urgency Ordinance

- ▶ Requires providers accessing non-City poles (e.g., PG&E utility poles) in Public Right-of-Way comply with:
 - ▶ City Design Guidelines & Standards
 - ▶ City Encroachment Permit Requirements
- ▶ Also requires providers enter into a valid MLA to access City-owned infrastructure in Public ROW (e.g., City poles)
- ▶ **Recommended Council Action: Adopt Urgency Ordinance**



Review of Draft MLA Template

- ▶ Local Outreach Process for each Site License
- ▶ Protections for Municipal Infrastructure (WiFi, Smart Street Lights, etc)
- ▶ Design Guidelines & Installation Standards
- ▶ Open Access: First come, first serve
- ▶ Five-year initial term, with optional renewal periods thereafter
- ▶ Splits fees into two categories:
 - ▶ Pole License Fee: \$500/year/pole with 3% annual increase
 - ▶ Accessory License Fee: \$1000/year/pole with 3% annual increase
- ▶ **Recommended Council Action: Adopt MLA Template**



Discussion

- ▶ City Staff (Engineering & IT)
- ▶ City Attorney's Office



