

CITY COUNCIL REGULAR SESSION

Resolution approving the Master License Agreement (MLA) template and authorizing execution of individual MLAs with qualified applicants administratively.

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EXECUTIVE SUMMARY

This Resolution approves the MLA template and authorizes individual MLAs utilizing the approved template to be executed with qualified applicants without subsequent Council approval.

RECOMMENDATION

Move to adopt Resolution No. 9543

If approved, effective date: 01/22/2019

BACKGROUND/ANALYSIS

On January 7, staff provided Council with a presentation and related agenda materials in response to the FCC Order dealing with the deployment of small cell technology.

An interdepartmental team of staff have been collaborating on a response to the FCC Order, and the work of that team was presented to Council on January 7. The staff-proposed response has two prongs. The first requires amendments to the Telecommunications title (Title 6) of the Bellevue City Code (BCC). The second requires approval of a Master License Agreement (MLA) template. This memorandum focuses on approval of the MLA template. The adoption of amendments proposed to the Telecommunications title of the BCC are addressed tonight under a separate agenda item.

Council directed staff to return on January 22 for final action to adopt a Resolution approving the MLA template authorizing execution of individual MLAs with qualified applicants administratively.

Attachment A is a copy of the MLA template for Council approval. There have been no changes to the MLA template that was presented to Council on January 7.

POLICY & FISCAL IMPACTS**Policy Impact**

Bellevue's existing policy and code is based on initial wireless technology needed to support larger equipment needs. In 2016, Council directed staff to update the code and processes to better match the evolution of wireless communication technology, and the desire to support high functioning and reliable wireless service for residents and businesses consistent with the Bellevue Smart City Strategy. Council

also acknowledged the need to balance wireless facilities and their benefits with proliferation and aesthetic concerns, especially in Bellevue neighborhoods.

Staff advanced work to meet this direction by beginning a MLA process to ensure providers had a more straightforward and predictable process while establishing terms to meet existing size and aesthetic requirements of the LUC.

In September 2018, the FCC's Order required a modified approach that recognized limitations on local ability to regulate the size and location of small wireless facilities (SWF) equipment. Specifically, the MLA limits rent to actual costs (rather than market rent) for utilizing City-owned streetlights for SWF deployment. This approach also streamlines the application process by granting qualified applicants a Citywide MLA with individual sites identified in an attached Site License Addendum (SLA). This approach is a shift in the connectivity/aesthetic balance originally sought due to the change in local control but will result in consistent and predictable design standards and process.

Fiscal Impact

The proposed approval of the MLA template should have minimal direct negative fiscal impact on the City because: (i) the City plans to charge and recover permit review and inspection time on an hourly basis (\$188/hour is City rate for 2019) depending on the number of hours required; and, (ii) a recurring fee of either \$270/year per pole if the FCC Order is upheld or \$1,500/year per pole if the Order is stayed or overturned will be collected.

OPTIONS

1. Adopt the Resolution approving the Master License Agreement (MLA) template and authorizing execution of individual MLAs with qualified applicants administratively.
2. Do not adopt the Resolution and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

A. Master License Agreement for Small Wireless Facilities on City Facilities
Proposed Resolution 9543

AVAILABLE IN COUNCIL LIBRARY

N/A