

**CITY COUNCIL REGULAR SESSION**

Resolution authorizing execution of a five-year Wireless Communications Facilities Site Lease Agreement with an automatic five-year extension with New Cingular Wireless PCS at the Clyde Hill Water Reservoir Site located at 9600 NE 22nd St.

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**EXECUTIVE SUMMARY**

This Resolution authorizes execution of a Wireless Communications Facilities Site Lease Agreement with New Cingular Wireless PCS at the Clyde Hill Water Reservoir. Cingular has been operating at this location under a prior lease from the City.

**RECOMMENDATION**

Move to adopt Resolution No. 9754

**BACKGROUND/ANALYSIS**

In 1998, Council responded to a request from wireless carriers seeking to install more wireless antenna sites in Bellevue by enacting policies favoring placement of wireless facilities on public rather than private property, and by authorizing the creation of a standard lease agreement. City staff subsequently developed the agreement template, which was put into use in 2000 and has been updated every five years (most recent revision completed January 2016). This site lease agreement is used in situations such as this where cellular facilities are installed on City-owned property outside of the public road right of way. Staff performs periodic appraisals (every five years) of market rents for similar facilities in the region to ensure the City's lease rates reflect fair market value. These periodic appraisals occur every five years because the market rate for wireless facilities are not directly tied to land values and, therefore, do not rise and fall as quickly as the land and housing market. The last appraisal was completed November 2015.

Council previously approved a lease with New Cingular Wireless PCS at this site on August 11, 2009. That lease expired on August 11, 2019 and New Cingular Wireless PCS wishes to continue leasing at the Clyde Hill Water Reservoir site to support wireless communication services for the surrounding neighborhood. Since this lease expired, New Cingular Wireless PCS has been maintaining their lease status on a month to month basis. Approval of this lease does not guarantee land use approval or the issuance of permits which would be required for any future upgrades to that equipment.

In operating the wireless facility, New Cingular Wireless PCS will continue to coordinate with the Utilities Department to ensure there are no impacts to reservoir operations. The Utilities Department has no concerns with the execution of a new lease, continuing New Cingular Wireless PCS's use of the

Clyde Hill Water Reservoir for their wireless facilities.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

Bellevue City Code

BCC Section 4.30.020 requires Council approval of leases that exceed one year in duration. City property is leased at no less than fair market value.

Land Use Code Section 20.20.195 regulates placement of wireless communication facilities.

Comprehensive Plan

The City's Comprehensive Plan supports increased availability and improved communication services for its citizens and businesses, and the location of telecommunications antennas on public facilities.

Policy UT-66: For infrastructure opportunities on City property, other than street rights-of-way, encourage the use of appropriate City-owned properties for lease to install wireless communications equipment that is compatible with existing City uses of the sites and consistent with land use requirements.

Policy UT-67: Encourage the co-location of telecommunications equipment on City sites, which reduces total impact of antennas on the community.

### **Fiscal Impact**

Approving this Resolution will result in the Water Utility Fund receiving annual rent of \$30,600 beginning June 1 upon execution of the lease. The annual rent will increase each year by 3 percent.

## **OPTIONS**

1. Adopt the Resolution authorizing execution of a five-year Wireless Communications Facilities Site Lease Agreement with an automatic five-year extension with New Cingular Wireless PCS at the Clyde Hill Water Reservoir Site located at 9600 NE 22nd St.
2. Do not adopt the Resolution and provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

A. Vicinity Map

Proposed Resolution No. 9754

## **AVAILABLE IN COUNCIL LIBRARY**

Previously Approved Wireless Communications Facilities Site Lease Agreement with New Cingular Wireless PCS

New Wireless Communication Facilities Site Lease Agreement with New Cingular Wireless PCS