



**CITY OF GLENDALE, CALIFORNIA
REPORT TO THE CITY COUNCIL**

AGENDA ITEM

Report: Technical and Regulatory Review of Applications for Telecommunications Facilities

1. Motion amending the Professional Services Agreement (PSA) 8000971 with Telecom Law Firm, P.C. for technical and regulatory review of telecommunications facilities increasing the amount by \$300,000 to a total not-to-exceed amount of \$450,000 for additional permit review services.

COUNCIL ACTION

Item Type: Consent Calendar

Approved for July 13, 2021 **calendar**

ADMINISTRATIVE ACTION

Submitted by:

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Reviewed by:

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Approved by:

Roubik R. Golanian, P.E., City Manager

RECOMMENDATION

Staff respectfully recommends that the City Council approve the Motion amending the PSA with Telecom Law Firm, P.C. for technical and regulatory review of telecommunications facilities increasing the amount by \$300,000 to a total not-to-exceed amount of \$450,000 for additional permit application review services.

BACKGROUND/ANALYSIS

Advanced broadband and wireless communication technology is characterized by numerous small cell antennas installed on public infrastructure such as power poles and telephone lines instead of larger cell phone towers. The Federal Communications Commission (FCC) regulates wireless telecommunications services in the United States and develops and implements rules, policies and procedures for the licensing of wireless service and facilities. The FCC's rules and guidelines provide wireless telecommunications companies with a streamlined process for reviewing permit applications and at the same time limit the ability of municipalities to regulate this infrastructure. The stated intent of these guidelines is to facilitate the growth of small cell infrastructure and broadband technology throughout the United States.

Specifically, the FCC rules regulate the fees that cities may charge to review applications for small wireless facilities. The rules also heavily curtail the ability of cities to impose permit requirements related to aesthetic concerns such as requiring facilities to be placed underground. Municipalities are prohibited from issuing moratoria on new applications and the "Shot Clock" requirement for applications allow cities only 60 days to act on applications to deploy small cell facilities on existing infrastructure and 90 days for new infrastructure. Municipalities that fail to issue a decision in accordance with these guidelines would then be compelled to issue any necessary permits or authorizations without review. Additionally, municipalities are restricted from implementing more stringent radio frequency exposure standards than the current federal standards and must adhere to the FCC's radio frequency level and safety findings and guidelines.

In Glendale, wireless telecommunication facility permits are handled by the Public Works Department. Permit applications are primarily reviewed by City staff. A consultant is available to perform an expert review of applications in some circumstances. Specifically, this expert review entails a design analysis to determine if the facility design adheres to local regulations and if it may be altered to reduce the impact at the site; an alternative site analysis to determine if the proposed site of the wireless facility is optimal; and a radio frequency FCC compliance analysis to make sure federal regulations for radio frequency exposure guidelines are met.

Glendale staff was recently contacted by the wireless telecommunications infrastructure company, ExteNet Systems, Inc. regarding their intention to submit approximately 145 applications for small cell antennas. Additionally, staff expects numerous permit applications from other similar companies such as AT&T. The Public Works Department does not have the staffing resources to process this volume of permit applications. Staff intends to use the expert review consultant, Telecom Law Firm, P.C. to assist with

additional tasks involved in the application permit review process including reviewing the applications for thoroughness and making sure they meet the requirements of the Glendale Municipal Code and federal law. Telecom Law Firm, P.C. has an existing contract with the City and was selected by a Request For Proposal process. The cost of using this consultant to assist the City manage the surge of applications expected is \$450,000 over three years or \$150,000 per year and is based on the total estimated applications to be submitted by Extenet and other carrier applicants. The City is finalizing an agreement with Extenet Systems, Inc. to reimburse the City for Telecom Law Firm, P.C.'s cost to review their applications and is pursuing similar agreements with other major applicants.

Without these additional support services, Glendale staff will be unable to properly review the quantity of small cell permit applications expected. Federal law requires that these permit applications be reviewed in 60 to 90 days depending on the type of permit requested. If the City is unable to meet this review deadline, federal laws requires the City to issue permits and authorizations regardless. Amending the contract and allocating additional funds will allow the City to continue to thoroughly review all permit applications received.

FISCAL IMPACT

PSA 8000971 for expert review of wireless telecommunications applications is currently \$150,000 total for three years. To increase the PSA amount to \$450,000 total for three years, no additional funding is needed at this time. \$150,000 for the first year is budgeted in FY 2021-22 in account 43110-1010-PWD-7536 for these services. These costs are expected be offset by reimbursement agreements with carrier applicants and various permit application fees.

ALTERNATIVES

The alternatives relating to the proposed resolution are as follows:

Alternative 1: Approve the attached Motion. The City will continue to provide thorough evaluations and expert review of wireless telecommunications facility permit applications during the projected surge.

Alternative 2: Do not approve attached Motion. The City will have to rely on its current staff to review the voluminous amount of applications submitted and may be faced with "Shot Clock" compliance issues.

Alternative 3: The City Council may consider any other alternative not proposed by staff.

EXHIBITS

None.