



## Legislation Details (With Text)

**File #:** 21-0332 **Name:**

**Type:** Other **Status:** Agenda Ready

**File created:** 10/19/2020 **In control:** City Council Legislative Meeting

**On agenda:** 11/10/2020 **Final action:**

**Title:** Receipt of Franchise Proposals from telecommunications providers to grant one or more nonexclusive Telecommunications Facility Franchise(s) to telecommunications providers to install specified small cell facilities and related infrastructure in the City's public rights-of-ways and Referral of Such Proposals to City Staff for Review.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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## City of Alexandria, Virginia

### MEMORANDUM

**DATE:** NOVEMBER 4, 2020

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**FROM:** MARK B. JINKS, CITY MANAGER /S/

**DOCKET TITLE:**

Receipt of Franchise Proposals from telecommunications providers to grant one or more nonexclusive Telecommunications Facility Franchise(s) to telecommunications providers to install specified small cell facilities and related infrastructure in the City's public rights-of-ways and Referral of Such Proposals to City Staff for Review.

**ISSUE:** Receipt of Franchise Proposals from telecommunications providers to grant one or more nonexclusive Telecommunications Facility Franchise(s) to telecommunications providers to install specified small cell facilities and related infrastructure in the City's public rights-of-ways and referral of such proposals to City staff for review.

**RECOMMENDATION:** That City Council:

1. Receive a summary of proposals submitted to the City;

2. Receive any additional proposals from bidders at the City Council meeting;
3. Refer all proposals to the City Manager for evaluation, review and consideration in the manner prescribed by law, including the negotiation of a franchise agreement with preferred bidders/proposers; and
4. Direct the City Manager to recommend to City Council at its December 8, 2020, meeting or as soon thereafter as is feasible, recommended telecommunication provider(s) to install small cell facilities and related infrastructure in the City's public rights-of-ways.

**BACKGROUND:** On October 17, 2020, City Council adopted Ordinance 5298 to solicit proposals for telecommunications franchise(s) to provide for the installation of small cell facilities and related infrastructure in the City's public rights-of-ways. Pursuant to the Ordinance, the City Clerk placed advertisements in local newspapers over two consecutive weeks. The deadline for prospective telecommunications providers to respond was October 30, 2020. The City received three responses from Cellco Partnership d/b/a Verizon Wireless, New Cingular Wireless PCS, LLC. ("AT&T") and Crown Castle by the posted deadline. Due to the nature of the wireless industry and the value of competition, there is not a legal limit on the number of small cell wireless franchises that the City is able to award.

State law governing the awarding of franchises requires the Mayor to read the following summary of proposers' responses in an open session at the November 10, 2020, meeting and then inquire whether any other bidders are present with additional proposals. State law further requires that City Council refer all proposals to the City Manager for further review and evaluation of the responsive proposals by City Staff. City staff will review the responses, select one or more preferred proposals and negotiate one or more proposed small cell telecommunications franchise agreements for approval by City Council as early as its December 8, 2020 meeting, or as soon thereafter as is feasible. This one-month turnaround is enabled by prior discussions with the submitting franchises.

Accordingly, it is recommended that Mayor make the following statement at the meeting:

*"As of October 30, 2020, City staff has received timely responses to Ordinance No. 5298 from Cellco Partnership d/b/a Verizon Wireless, New Cingular Wireless PCS, LLC, and Crown Castle. Each of these proposers has submitted proposed telecommunications franchises for review and evaluation by City staff. Are there any other companies who, at this time wish, to submit a proposal in response to the Ordinance? Accordingly, at this time, the proposals are referred to the City Manager to be reviewed and further evaluated by City staff. The City Manager is to return with proposed recommended telecommunications franchise agreements for approval by City Council on December 8, 2020 or as soon as thereafter as is feasible."*

**FISCAL IMPACT:** While there is no fiscal impact of soliciting and reviewing proposals, staff will review fiscal considerations before making a recommendation to Council.

**STAFF:**

Joanna C. Anderson, City Attorney

Karen S. Snow, Senior Assistant City Attorney

Yon Lambert, Director, Transportation & Environmental Services

Lalit Sharma, Deputy Director, Transportation & Environmental Services

Karl Moritz, Director, Planning & Zoning

Tony LaColla, Division Chief, Planning & Zoning