



Legislation Text

File #: 21-0527, Version: 1

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 4, 2020

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: MARK B. JINKS, CITY MANAGER /s/

DOCKET TITLE:

Public Hearing, Second Reading and Final Passage of Ordinances to grant a telecommunications facility franchise agreement to CELLCO Partnership d/b/a/ Verizon Wireless: New Cingular Wireless, PCS, LLC ("AT&T"); and CROWN CASTLE. [ROLL-CALL VOTE]

ISSUE: Consideration of three proposed ordinances to grant Telecommunications Facility Franchise Agreements to:

- (1) Cellco Partnership, d/b/a Verizon Wireless ("Verizon");
- (2) New Cingular Wireless PCS, LLC. ("AT&T"); and
- (3) Crown Castle

RECOMMENDATION: That City Council consider the proposed Telecommunications Facility Franchise Ordinances on first reading and set them for public hearing, and final passage on Saturday, December 12, 2020

DISCUSSION: On October 17, 2020, City Council adopted an ordinance to solicit proposals for Telecommunication Facility Franchise Agreements for the design, construction, installation, upgrade, repair, removal and operation of specified small cell facilities and related infrastructure in the public rights-of-ways in the City of Alexandria. At the time of the adoption of the ordinance, City Council announced that it was considering an award of more than one telecommunications facility franchise agreement. At the November 10, 2020, City Council hearing, the Mayor announced that there were three companies who responded to the City's request for proposal for the telecommunications facility franchises. These telecommunications companies are

Verizon, AT&T and Crown Castle. City Council referred the proposals to staff for further review of the proposals. Staff completed its review and determined that each of the companies' proposals met all the terms and conditions of the solicitation. City staff is recommending that the Council award a telecommunications facility franchise agreement to each of these three companies. Accordingly, there is a proposed separate ordinance for each company's proposed franchise.

The proposed negotiated telecommunications facility franchises are virtually identical for all of the companies and include the following key terms:

1. **Term:** In accordance with applicable state and federal laws, the proposed term of the franchise is an initial term of ten (10) years, with three automatic extension of five (5) years each. The 10-year initial term and subsequent three 5-year term increment renewal structure are set by state law. Upon the date of expiration of the franchise, the companies will have the opportunity to extend the terms of the franchises if they are not in default under the terms of the agreements.
2. The companies will have the right to deploy "approved" equipment throughout the City. Approved equipment is defined by the franchise agreement as equipment that has been previously approved by the City as a Standard Design pole, which is a design that has been approved by the City or is a design that the company has sought specific review of and has received approval of the City. These designs are set forth on Exhibit A to the proposed franchise agreements, which are attached hereto. Notwithstanding the granting of the franchise agreement, the companies are required to file applications with the City with respect to the proposed equipment they are seeking to install in the public rights-of-ways. In addition, the companies will be subject to the City's aesthetic requirements and any and all requirement and conditions of installing their equipment in the City's historic districts.
3. The City will exercise control over the location of the poles within its rights-of-ways. In particular, the City will regulate the installation of standalone poles. For example, the City will allow only one (1) new standalone structure on a block face of less than 300 feet in length. For blocks that are longer than 300 feet, the City may consider the installation of two poles. The City has implemented guidelines regarding the installation of new standalone poles to insure that these poles do not impede visibility, travel, public safety, traffic control devices or access to fire hydrants, public transportation and the like and further, the standalone poles will not impede the existing tree canopy.
4. The companies are to remove their facilities at the expiration of their agreements. In addition, if the City determines that any of the facilities need to be removed or relocated to protect the public health, safety or welfare, the companies will be required to do so, at their expense.
5. **Compensation:** Similar to the license agreements, that these proposed franchise agreements are to replace, under state law, the City is entitled to a one time administrative fee of \$750. In addition, the City is entitled to the state-mandated application fee of \$100 for each application up to five on one permit and then a fee of \$50 for each additional application.

FISCAL IMPACT: State mandated administrative fee of \$750 for each franchise. Application fees are to be

collected pursuant to state law, \$100 per application (up to 5), \$50 for each additional application.

ATTACHMENTS:

Attachment 1: Proposed Franchise Ordinance for Verizon d/b/Cellco Partnership

Attachment 2: Proposed Franchise Ordinance for New Cingular Wireless PCS, LLC. (“AT&T”)

Attachment 3: Proposed Franchise Ordinance for Crown Castle.

Attachment 4: Telecommunications Facility Franchise Agreement for Verizon d/b/Cellco Partnership

Attachment 5: Telecommunications Facility Franchise Agreement for New Cingular Wireless PCS, LLC.
 (“AT&T”)

Attachment 6: Telecommunications Facility Franchise Agreement for Crown Castle

STAFF:

Joanna C. Anderson, City Attorney

Emily A. Baker, P.E., Deputy City Manager

Karen S. Snow, Senior Assistant City Attorney

Yon Lambert, Director, Transportation & Environmental Services

Lalit Sharma, P.E., Deputy Director, Transportation & Environmental Services

Karl Moritz, Director, Planning & Zoning

Tony LaColla, Division Chief, Planning & Zoning