



# Administrative Report

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H.13., File # 21-2631

Meeting Date: 6/15/2021

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**To:** MAYOR AND CITY COUNCIL  
**From:** TED SEMAAN, PUBLIC WORKS DIRECTOR

## **TITLE**

APPROVE THREE POLE LICENSE AGREEMENTS WITH CROWN CASTLE FIBER, LLC FOR THE RADIO AND ANTENNAE EQUIPMENT ON CITY POLES IN THE RIGHT OF WAY ADJACENT TO 317 TORRANCE BOULEVARD, 629 S. PACIFIC COAST HIGHWAY, AND 1200 BERYL STREET IN THE AMOUNT OF \$1,200 PER LOCATION FOR THE TERM JUNE 15, 2021 - JUNE 14, 2031

## **EXECUTIVE SUMMARY**

On June 16, 2020, City Council approved three Site License Agreements with Crown Castle Fiber, LLC (Crown Castle) to install a micro-antennae and other associated equipment on the above referenced City-owned street light poles as depicted in the attached photo-simulations. The current Site License Agreements have a term of one year, expiring June 15, 2021, with the intention that the City and Crown Castle would execute the forthcoming template Pole License Agreement to be used in connection with the licensing of City-owned vertical infrastructure for wireless facilities in the public right-of-way. On September 15, 2020, City Council adopted a resolution and approved the template Pole License Agreement. To maintain their license, Crown Castle is requesting to execute the City's template Pole License Agreement for 317 Torrance Boulevard 629 S. Pacific Coast Highway, and 1200 Beryl Street. The City policy is to collect a rental fee of \$1,200 annually per location with a ten-year term.

## **BACKGROUND**

Crown Castle has a Certificate of Public Convenience and Necessity (CPCN) granted by the CPUC which authorizes them to provide limited facilities-based and resold interexchange telecommunications services as a non-dominant inter-exchange carrier and limited facilities-based and resold exchange services as a competitive local carrier.

Based on the above status, the City Council approved three Site License Agreements with Crown Castle Fiber, LLC (Crown Castle) to install a micro-antennae and other associated equipment on the above referenced City-owned street light poles on June 16, 2020. Crown Castle was issued permits to build their micro-antennae and other associated equipment on light poles owned by the City of Redondo Beach adjacent to 317 Torrance Boulevard (ATTRB06), 629 S. Pacific Coast Highway (ATTRB08), and 1200 Beryl Street (ATTRB13).

Council gave direction to staff to prepare a template license agreement with the intent that the terms of the agreement will be the same for any provider, so as not to have different programs for small cell providers. With the expectation that the template agreement would be approved shortly thereafter by

Council and that Crown Castle would execute the template agreement within the year for occupancy in future years, the term of the site license agreement approved on June 16, 2020 was for one year, with an expiration date of June 16, 2021. On September 15, 2020, the City Council adopted a resolution and approved the template Pole License Agreement.

Crown Castle is now requesting to execute the City's template Pole License Agreement for 317 Torrance Boulevard 629 S. Pacific Coast Highway, and 1200 Beryl Street. The City policy is to collect a rental fee of \$1,200 annually per location with a ten-year term.

The CPCN distinguishes Crown Castle from other wireless carriers and the terms of the Site License reflect that distinction. Crown Castle has agreed to provide an annual rental fee of \$1,200 per year with annual CPI increases not-to-exceed six percent. However, the Federal Communications Commission (FCC) has issued an order that limits the charges a local government can lawfully impose on Small Wireless Facilities (SWF). This order is being challenged. While the FCC order is in effect, Crown Castle shall pay \$270 in lieu of the annual \$1,200 fee. If the FCC order is withdrawn or invalidated as to the limitation on fees, Crown Castle shall revert to the \$1,200 annual fee or the maximum allowed.

### **COORDINATION**

The Public Works Engineering Division worked with City Attorney staff and the City Attorney approved the documents as to form.

### **FISCAL IMPACT**

Costs associated with staff preparation of the agreement have been included in the Public Works Department Adopted FY20-21 Budget. Crown Castle will reimburse the City for staff and consultant costs related to preparation of this agreement. This payment is in addition to the annual fee for the license agreement.

<u>Funding:</u>		<u>Estimated Expenditures:</u>	
Crown Castle Deposit	\$ 5,000.00	City Staff Review	\$ 2,000.00
		Telecom Law Firm, P.C.	\$ 3,000.00
TOTAL:	\$ 5,000.00	TOTAL:	\$ 5,000.00

### **APPROVED BY:**

*Joe Hoefgen, City Manager*

### **ATTACHMENTS**

- Attachment 1 - Photo Simulations
- Attachment 2 - Pole License Agreement - 317 Torrance Boulevard (ATTRB06)
- Attachment 3 - Pole License Agreement - 629 S. Pacific Coast Hwy (ATTRB08)
- Attachment 4 - Pole License Agreement - 1200 Beryl Street (ATTRB13)