



PUBLIC WORKS DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: November 21, 2017

Subject

Authorize the City Manager to send letters opposing wireless legislation that infringes on the City's authority to manage publicly owned property and wireless facility placement.

Recommended Action

Authorize the City Manager to send letters to governmental representatives, committees and other appropriate groups and agencies regarding legislation that affects the City's authority to manage publicly owned property and wireless facility placement.

Description

The wireless telecommunications industry has made numerous attempts to pursue legislation that reduces local and state government's ability to manage publicly owned property and wireless facility placement. The wireless industry's last attempt to pass this type of legislation in California was through SB 649, which City Council officially opposed on June 6, 2017, and which was defeated in October of 2017 with a veto from Governor Brown. The wireless industry is making another attempt with a draft bill pending introduction for consideration before the United States Senate Commerce Committee.

Discussion

The City of Cupertino has taken considerable effort to work with the wireless telecommunications industry to establish agreements and policies for installation of small cell facilities on City owned street light poles, and to create an acceptable design to address aesthetic concerns (see Attachment B). The proposed legislation undermines much of the work and the policies that the City has worked to established.

The proposed legislation is another attempt to preempt local and state authority by requiring local and state governments to make available property owned by the jurisdictional agencies for the installation of private "small cell facilities." While the City may place "fair and reasonable terms and conditions" on the use of City property, the pending draft bill does not provide the City with the discretion to deny a "small cell

facility” to be located on City property. In effect, the draft bill gives control of public facilities to private telecommunications companies, while also inhibiting local government’s ability to lease or license publicly owned property.

In order to respond to these attempts in a timely manner, staff is requesting the City Council provide the City Manager the authority to send letters to appropriate governmental representatives, committees, groups and agencies regarding legislation that affects the City’s authority to manage publicly owned property and wireless facility placement.

Sustainability Impact

No sustainability impact.

Fiscal Impact

Federal legislation could reduce future revenues from small cell facilities located on City owned streetlight poles.

Prepared by: Chad Mosley, City Engineer

Approved for Submission by: David Brandt, City Manager

Attachments:

- A - Draft Letter of Opposition to Federal Legislation Limiting Local Authority over Wireless Facilities
- B - Design Rendering of Proposed Small Cell Facility on City Owned Street Light