



## Legislation Details (With Text)

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**Title:** RECOMMENDATION TO AWARD CONTRACT TO TELECOM LAW FIRM, P.C. FOR AS-NEEDED ON-CALL WIRELESS PERMIT APPLICATION REVIEW CONSULTING SERVICES (CITY COUNCIL)  
**Sponsors:**  
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**Attachments:** 1. Ex. 1.Telecom Law Firm Contract, 2. Ex. 2.Telecom Law Firm Sole Source Letter, 3. File Summary

Date	Ver.	Action By	Action	Result
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## Report to Mayor and City Council

Tuesday, March 20, 2018

Consent

### SUBJECT:

**RECOMMENDATION TO AWARD CONTRACT TO TELECOM LAW FIRM, P.C. FOR AS-NEEDED ON-CALL WIRELESS PERMIT APPLICATION REVIEW CONSULTING SERVICES (CITY COUNCIL)**

### I. SUMMARY

City Council approval is requested to enter into an agreement for on-call wireless permit application review consulting services. At the City's request, Telecom Law Firm, P.C. will review wireless permit applications and provide the City with a written analysis.

### II. RECOMMENDATION

1. APPROVE the On-Call WIRELESS PERMIT APPLICATION REVIEW agreement with Telecom Law Firm, P.C. AND
2. AUTHORIZE the Mayor to execute the agreement following approval as to form by the Counsel.

### III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

### IV. BACKGROUND

California law regulating the application review process for new wireless communications facilities or modifications to existing wireless facilities presents significant challenges for public officials and municipal staff members. The Federal Communications Commission (FCC) has published several rulings in the form of “shot clocks” that essentially limit the period by staff may review an application for wireless communications facilities. Each shot clock applies to different types of facilities and imposes different constraints on the application review process. Not only does it completely change the traditional development process, it also offers few if any clear rules to guide governments and applicants through the new paradigm.

The City would use Telecom Law Firm, P.C on an as-needed basis to assist with navigating through the shot clock requirements of Sections 332, and 6409, and AB-57 including review of the wireless permit application, development plans and related technical reports to ensure safety and compliance with State and Federal laws. Required technical reports include the following:

- Propagation maps showing the coverage for the proposed installations and any gap in service;
- Site justification Study explaining the demands and rationale for selecting a particular location and design for a communications facility and information pertaining to the interrelationship between a specific site and other sites in the local network area; and a
- Radio Frequency Emissions (RFE) Report signed by a radio frequency engineer quantifying compliance with federal radio frequency exposure guidelines established by the FCC.

Additionally, the Consultant will review for applicability and/or compliance with applicable federal and state regulations for wireless facilities siting; whether the applicant proposes the “least intrusive means” to achieve its technical objectives; compliance with applicable municipal code regulations; potentially feasible or available alternative locations and/or designs; and/or any other issues that Consultant, in its expert experience and opinion, finds relevant or helpful to the City’s review.

Request for Proposals (RFP) were not required because Telecom Law Firm, P.C. is a sole provider of this service (Exhibit No. 2). The Consultant will provide the City with considerable expertise in facilitating the wireless communications facilities permit application review and determination process.

## **V. FISCAL IMPACT**

The total compensation, including reimbursement for actual expenses, shall not exceed One Hundred Thousand Dollars (\$100,000.00) per year, for a total not to exceed Three Hundred Thousand Dollars for the three-year Term (\$300,000.00). The costs incurred for the said consultant services are offset by funds deposited by the applicants.

## **VI. EXHIBITS**

1. Contract Services Agreement with Telecom Law Firm, P.C. (pgs. 4-36)
2. Telecom Law Firm "Sole Service Provider" letter dated March 12, 2018.  
(pgs. 37-40)

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