

COMMITTEE MEMBERS
Edi E. Birsan, Chair
Laura M. Hoffmeister, Committee Member

Civic Center
1950 Parkside Drive
Concord, CA 94519
www.cityofconcord.org



Concord
ANNOTATED
AGENDA
Regular Meeting of the
Infrastructure &
Franchise Committee

Monday, April 10, 2017

6:00 p.m.

City Council Chamber
1950 Parkside Drive

AGENDIZED ITEMS – The public is entitled to address the Committee on items appearing on the agenda before or during the Committee's consideration of that item. Each speaker will be limited to approximately three minutes.

1. ROLL CALL – all present

STAFF PRESENT: Joelle Fockler, City Clerk; Kathleen Trepka, Assistant City Manager; Victoria Walker, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Jeff Lewis, Director of Information Technology; Margaret Kotzebue, Senior Assistant City Attorney; Laura Simpson, Planning Manager; Michael P. Cass, Principal Planner; Afshan Hamid, Senior Planner

2. PUBLIC COMMENT PERIOD

Joe Partansky, Concord, spoke of not being able to easily locate Council Committee packet information on the City of Concord website and requested the option of electronic sign-up, via the City of Concord website, for all City commissions and committees.

3. REPORTS

- a. **Considering** – list of applicants for the Bicycle and Pedestrian Advisory Committee and select applicants to be interviewed. **Report by Joelle Fockler, City Clerk.**

ACTION: The Committee reviewed the list of applicants for the Bicycle and Pedestrian Advisory Committee and selected 10 applicants to be interviewed at the May 8, 2017, Special Meeting. The applicants selected to interview are:

Sarah Allen, Jack Grant, Michelle Hernandez, Robyn Kuslits, Claire Linder, Rebekah McMenamin, Yelena Myakisheva, David Pitman, Cindy Preuss, and Ana Villalobos.

- b. **Considering** – updated Regulations for Wireless Communication Facilities. **Report by Afshan Hamid, Senior Planner.**

ACTION: Senior Planner Afshan Hamid reported that the Federal Communications Commission (FCC) issued new regulations effective January 2015 to address increased demand for more wireless and infrastructure upgrades, which resulted in the City's need to update regulations to comply. Ms. Hamid introduced consultant Tripp May, Telecom Law Firm, PC, who presented an overview of federal and state laws related to wireless facilities and the limits on local agencies to regulate them. The presentation included information on FCC regulations on radio frequency (RF) emissions, and the least intrusive means for facility location and design. Mr. May showed good and bad examples of wireless facilities, discussed procedural limitations and limitations on prohibiting facilities within the public right-of-way, and outlined Section 6409(a) regarding substantial change to towers and base stations.

Chair Birsan opened a public comment period.

A member of the public expressed concerns about potential impacts from RF emissions.

Ken Mintz, AT&T, requested that the City identify preferences for wireless facilities in the public right-of-way and on private property.

Joe Partansky, Concord, requested an overview of telecommunication leases.

Chair Birsan closed the public comment period.

The Committee discussed updating the regulations to address facility height and raised concerns related to siting wireless facilities in residential areas, near schools, and in public parks. The Committee requested that design parameters be developed to address site context and placement, and encouraged

maximum aesthetic appeal. They expressed a preference for architectural and landscape solutions. The Committee directed staff to update the wireless ordinance based on provided feedback.

c. **Considering – adopting a Wireless Master License Agreement. Report by Afshan Hamid, Senior Planner.**

ACTION: Tripp May, Telecom Law Firm, PC, showed images of various types of small cells in the right-of-way in other jurisdictions. He confirmed that the City owns approximately 8,200 poles in the right-of-way and that City staff has received multiple requests from multiple providers for access to City owned poles. Mr. May stated that establishing a Master License Agreement (MLA) will not grant rights to use any pole, only the right to submit pole license applications for review and approval subject to pre-negotiated procedures, terms, and conditions. He outlined the benefits of creating a MLA, including: a streamlined deployment process, closer coordination between the City and carriers, new revenue streams from license fees, improved services to residents and businesses, and a level playing field with the same rules, terms and conditions for all competitors.

Chair Birsan opened a public comment period.

A member of the public asked how long the license will last.

Chair Birsan closed the public comment period.

The Committee was in favor of a MLA with expedited administrative review and requested that the MLA outline design criteria, specify that the wireless facility be painted to match the pole, and indicate a process to remove obsolete apparatus.

Victoria Walker, Director of Community and Economic Development, indicated that in some cases older poles may be replaced by new poles with newer street light technology, such as LED. The Committee discussed opportunities to encourage extending fiber throughout the community as part of this process. The Committee directed staff to draft a MLA and bring to the City Council for review.

4. **ADJOURNMENT – 8:30 p.m.**



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Distribution: City Council
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