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City Council Work Session Minutes

Monday, February 25, 2019

Small Cell Wireless Fees & Construction Standards

5:30 p.m., Community Auditorium

*Minutes are unofficial until approved by Council.
Council approved minutes as presented March 18, 2019.*

1. **ROLL CALL:**

Mayor Peter Truax called the Work Session to order at 5:38 p.m.

ROLL CALL: COUNCIL PRESENT: Thomas Johnston, Council President; Ronald Thompson; Elena Uhing; Adolph “Val” Valfre; Malynda Wenzl; and Mayor Peter Truax.
COUNCIL ABSENT: Timothy Rippe, excused.

STAFF PRESENT: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; Keith Hormann, Light and Power Director; Joel Peterson, Light and Power Engineer Manager; and Anna Ruggles, City Recorder.

2. **WORK SESSION: SMALL CELL WIRELESS FEES AND CONSTRUCTION STANDARDS**

Peterson, Hormann, Downey, and VanderZanden facilitated the above-noted work session, noting the purpose of the work session was to address the design and construction standards for small cell wireless facilities (SWF) located in City right-of-way (ROW) pursuant to the Federal Communications Commission (FCC) adopted Order 18-133, which significantly limits the City's authority to manage and regulate its ROW in the context of SWF infrastructure deployment by the private sector, including limiting the City's ability to impose fees for use of the City ROW and public property within the City ROW. Downey advised the Order allows the City to adopt design and construction standards prior to April 15, 2019, to establish guidance on the design and construction of SWF in the City ROW. Downey introduced Steve Coon, Small Cell Strategy Engineering, Verizon Wireless, and Chris Baidenmann, Project Manager, and Karen Manske, Jurisdiction Relations Director, Wireless Policy Group LLC, who were present in the audience. Peterson and Hormann presented a PowerPoint presentation overview pertaining to the City's proposed regulations for design and construction standards, noting all interest poles, including street light and monopoles, shall match the color and style of surrounding poles; street locations shall be prioritized in the following order: 1) principle arterials, 2) arterials, 3) collectors, and 4) neighborhood routes; and poles shall be prioritized in the following order: 1) utility poles, 2) street light poles, and 3) monopoles. Peterson reported facilities may not be located in a position that impedes traffic for roadways, walkways, or bicycle lanes and equipment may not be located near an entrance of a business or residence. In addition, Peterson showed examples of SWF infrastructure, noting facilities must be located at a minimum of 250 feet apart and placed 16 feet above ground. Downey presented a PowerPoint presentation overview pertaining

to the City's proposed SWF fees, noting per the FCC Order, the application and review fees for SWF infrastructure proposed to be sited in the City ROW, as well as ongoing annual fees, are required to be a reasonable approximation of the City's costs, that those costs themselves are reasonable, and that the costs are non-discriminatory. Downey reported staff estimates the City's cost for processing new SWF installation applications to be \$760 (8 hours of staff time) per proposed SWF site in the City ROW and an annual recurring cost for hosting a SWF in the ROW to be \$810 (8.5 hours of staff time) per attachment. Downey advised under the FCC Order, the City has 60 days to review an application for an existing pole and 90 days if a new pole is required, noting if an expedited review is requested, staff is proposing an additional \$500 fee per application. This fee would be voluntary and would allow providers to request a faster timeframe for review. Downey noted staff is also proposing a pass-through-cost incurred by City for actual consultant fee, plus 20 percent to manage consultant. This fee would allow the City to recover all costs incurred to hire and manage a consultant if needed to comply with the review timeline required by the FCC Order. Downey advised the City's proposed fee types are similar to those that other cities in Washington County are establishing. In conclusion of the above-noted staff report, Downey advised the City currently has no SWF located in the ROW and the City has not received any applications.

Council Discussion:

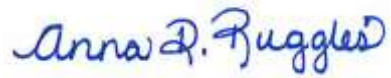
Mayor Truax opened the floor and roundtable discussion ensued pertaining to the design and construction standards for facilities located in City ROW and fees pursuant to the Federal Communications Commission (FCC) Order. In response to various Council inquiries and scenarios pertaining to attachment, maintenance, poles and ownership, Peterson, Hormann, Downey, and VanderZanden explained the carrier will own any monopoles that are installed and will be required to maintain the monopoles. Peterson, Hormann and Downey added the design and construction standards do not address all aspects of installing SWF in the ROW, noting a separate license agreement will require that the abandoned facilities be removed and the ROW be returned to its original condition, noting taxpayers will not incur any costs. In response to inquiries pertaining to noise pollution and potential sites, Hormann and Downey advised the noise pollution is minimal and staff is looking at potential sites near McMenamins, Forest Grove High School and areas of interest. In conclusion of the above-noted discussion, VanderZanden advised staff will bring back the City's proposed regulations for design and construction standards and fee resolution for Council consideration at a later date.

Council took no formal action nor made any formal decisions during the work session.

3. ADJOURNMENT:

Mayor Truax adjourned the work session at 6:23 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder