



Minutes

Lakewood City Council

Adjourned Regular Meeting held
March 28, 2017

MEETING WAS CALLED TO ORDER at 6:30 p.m. by Mayor Piazza in the Executive Board Room at the Civic Center, 5000 Clark Avenue, Lakewood, California.

ROLL CALL: PRESENT: Mayor Ron Piazza
Vice Mayor Diane DuBois
Council Member Steve Croft
Council Member Todd Rogers
Council Member Jeff Wood

WIRELESS ORDINANCE STUDY SESSION

City Attorney Steve Skolnik provided an overview of changes in State and Federal legislation and regulations as well as court cases requiring cities to allow wireless communication installations in the public right of way.

Lisa Rapp, Director of Public Works, displayed slides and explained that previously, most cell towers were large in size and located on private property. Wireless service providers were now seeking access to the public right of way with several large carriers interested in locating on street lights. She stated that while the number of new poles would be reduced, many wireless providers were now deploying small cells and distributed antenna systems to meet localized needs for coverage and increased network capacity. Such facilities were smaller and less obtrusive than traditional cell towers and antennas, but they required a more dense deployment to function effectively.

Ms. Rapp introduced Jonathan Kramer, Principal Attorney, and Rebekah Rounds, Associate Attorney, of Telecom Law Firm. Mr. Kramer made a presentation regarding the technological and legal developments affecting wireless infrastructure and deployment. He stated that in order to improve efficiency, services would require concentration of small cells so that they would serve smaller geographic areas and could be located closer to the end users to provide higher quality connections. He stated that the process to facilitate the telecommunications companies' applications included updating the City's wireless ordinance, meetings with interested parties, presentation to the Planning and Environment Commission and review by the City Council. He displayed slides of various examples of small cell installations in the public right of way.

Council Member Rogers inquired whether wireless companies were cooperative with regards to locating equipment and accommodating shared facilities. Mr. Kramer stated that while the technology existed to allow multiple carriers on the same pole, many companies preferred to have sole control over the power and direction of the signal.

WIRELESS ORDINANCE STUDY SESSION - Continued

Responding to Mayor Piazza's inquiries, Mr. Kramer explained that with having four national carriers, there could potentially be approximately ten small cell sites per square mile. He further stated that in order to avoid violating Federal law, in most cases, spacing rules could be created but would need to include some protective measures.

Mr. Kramer responded to Council Member Wood's question regarding abandoned equipment by explaining that removal of any telecommunications apparatus could be required of the wireless carriers as an element of the ordinance. Council Member Wood expressed concerns regarding health issues associated with cell sites. Mr. Kramer explained that radio frequencies from using the wireless device itself would be of more concern than with the energy from the tower noting that with additional antennas and stronger coverage areas, cell phones would reduce their operating power level, thereby reducing exposure.

With regards to Council Member Wood's question regarding the approval process, Mr. Skolnik replied that the ability to subject telecommunications companies to a process similar to one for a conditional use permit, for which the City would still have the ability to issue on private property, had been taken away by State and Federal authorities' preemption with regard to the public right of way. He noted that cities retained the ability to impose standards with regard to time, place and manner which the ordinance would seek to maintain.

Ms. Rapp explained that if Council were willing to consider allowing these devices to be installed on street lights, a master agreement could be developed that would enable negotiating with the wireless companies and setting forth the desired aesthetic standards.

Mr. Skolnik clarified for Vice Mayor DuBois that despite having no control over Southern California Edison street lights, aesthetic standards could be established that would provide more attractive considerations for their facilities.

Council Member Wood conveyed his apprehensions with the proliferation of small cell sitings. Ms. Rapp assured that after their gas metering experience working with the gas company, staff was prepared to work with the carriers to minimize the impact to residents.

Mr. Skolnik confirmed for Council Member Croft that the ordinance would determine the aesthetic requirements for the small cell facilities and that the goal was to encourage locating them onto existing City poles rather than installing additional structures. He emphasized that beyond the technical details, the objective in compiling the information for Council consideration was to provide the City with the most control that the preemptions allowed.

Mayor Piazza observed that the decision to allow such small cell sites had been out of the City's control and that they could not be prevented from going in the public right of way.

In response to Council Member Wood's request to contact State legislators, Mr. Skolnik stated that wireless companies had been very effective in convincing the State and Federal government that they provided a service that cities should not have the ability to forfeit.

WIRELESS ORDINANCE STUDY SESSION - Continued

Sonia Southwell, Director of Community Development provided some examples of installations on private property.

Mr. Skolnik reported that the meeting with the interested parties would be scheduled sometime in mid- to late April to receive their input and that the proposal would be presented to the Planning Commission at their May meeting. It would then be submitted for City Council consideration in late May or early June with adoption occurring at some point during the summer.

Council Member Rogers commented that while the City may not have regulatory control, there would be apprehensions from residents with the addition of telecommunications equipment. He maintained the importance of being sensitive to their concerns and providing a strategy to educate them. He added that some residents would be more impacted than others citing the example of the small cell site located near a residential balcony.

Council Member Croft stated that rather than installing additional poles, consideration of minimally offensive options with rules pertaining to their placement and spacing would be more beneficial and provided more control for the City.

In response to Mayor Piazza's inquiry regarding the rental of the space upon which the poles were located, Mr. Kramer replied that rental rates varied in range from one dollar per year to as high as \$1500 per month. He cautioned that such action to charge rent should reflect the City's ability to maintain control as the owner of the property.

Mr. Kramer responded to Vice Mayor DuBois' question by stating that under State law, wireless companies could not be prevented from putting up a pole but they could undergo an approval process which could result in a more acceptable solution.

Mr. Skolnik noted that presentation of such a wireless ordinance had only recently been considered because it was a constantly moving target and that while potential outcomes could not be predicted, a trend could be forecasted. He further explained that while the drive to move forward had more to do with applications being submitted at this time and initiating the shot clock, a specific timeline had not been established and that there would be ample opportunity for further discussion of options.

Mr. Kramer clarified for Council Member Wood that small cell sites could be located in a residential area but that was one of the elements that the City could have an active involvement in so that the poles being used were primarily on side streets and not in front of people's homes.

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ADJOURNMENT

There being no further business to be brought before the City Council, Mayor Piazza adjourned the meeting at 7:28 p.m.

Respectfully submitted,

Jo Mayberry, CMC
City Clerk