



Minutes

Lakewood City Council

Adjourned Regular Meeting held
April 25, 2017

MEETING WAS CALLED TO ORDER at 6:03 p.m. by Mayor DuBois in the Executive Board Room at the Civic Center, 5000 Clark Avenue, Lakewood, California.

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

BEST PRACTICES FOR ELECTRONIC COMMUNICATIONS

Paolo Beltran, Assistant to the City Manager, made a presentation based on the report in the agenda and stated that in the case *City of San Jose v. Superior Court of Santa Clara County*, the California Supreme Court ruled that text messages and emails sent or received by public employees on their personal electronic devices or accounts were a matter of public record if they dealt with official business. He reported that staff conducted a study and surveyed other cities to determine best practices with the goals of ensuring compliance with the court ruling, preventing a large amount of unsolicited messages from inundating council member email inboxes, and developing a uniform response to public inquiries sent to the Council. He concluded by stating that staff would create individual Council Member email accounts, with the recommendation that all city-related business be conducted using that email address.

Council Member Rogers commented on the challenges associated with social media and stated his preference to be involved with and have the ability to weigh in on issues brought forward by residents.

In response to Council Member Wood's inquiry regarding the logistics of responding to concerns directed to all Council Members, City Manager Howard Chambers replied that coordination of a single response would prevent any duplicated efforts and avoid confusion.

With regards to Council Member Piazza's questions pertaining to personal accounts and devices, City Attorney Steve Skolnik clarified that in terms of materials subject to disclosure in response to records requests, the focus would be on items related to the conduct of public business regardless of device. He explained that maintaining communications using the City-provided email accounts would retain the data on its servers thereby providing easier access with response to such requests.

Mr. Chambers pointed out that communications via personal email accounts would require individual search and review by those utilizing such personal accounts.

BEST PRACTICES FOR ELECTRONIC COMMUNICATIONS - Continued

Mr. Beltran responded to Vice Mayor Croft's and Council Member Rogers' comments regarding implementation of the City accounts by stating that set up could be accomplished through the Microsoft Outlook exchange server using either computer, tablet or cell phone applications which would include login and password information for each Council Member.

In response to Council Member Wood's inquiries pertaining to spam or unsolicited messages, Administrative Services Director Diane Perkin and Mr. Chambers stated that such emails included advertisements or promotions from affiliated organizations such as Contract Cities Association or the League of California Cities.

Mr. Chambers commented on the value of allowing the single email address, citycouncil@lakewoodcity.org, to be maintained on the City's website as the address for the City Council and monitored by Executive Assistant Alma Varela, who would coordinate responses to inquiries and service requests as well as scheduling of Council attendance to various events.

Council Member Rogers stated that while it was reasonable to allow Council emails to be copied to the Executive Assistant to enable a coordinated response, he felt that the ability for residents to make direct contact was valuable.

MAYOR DUBOIS MOVED TO APPROVE STAFF'S RECOMMENDATIONS. THERE BEING NO OBJECTION, IT WAS SO ORDERED.

Ms. Perkin responded to Council Member Wood's questions pertaining to naming conventions and character limitations by stating that the accounts could be set up with first name and last name using the city's domain name.

Mr. Skolnik suggested possible responses to inquiries pertaining to matters which fell outside of the procedure of the law and also advised that such concerns be forwarded to staff for response.

Mayor DuBois commended staff for their efforts and stated the importance of taking the time to follow the proper course of action.

WIRELESS ORDINANCE STUDY SESSION

City Attorney Steve Skolnik stated that apart from a potential bill under consideration by the State Legislature, there had been no additional information pertaining to wireless facilities since the previous presentation. He noted the importance of moving forward with the proposed actions to retain some control over installations and co-locations of wireless equipment.

WIRELESS ORDINANCE STUDY SESSION - Continued

Public Works Director Lisa Rapp reported on the industry meeting held in the previous week which had been attended initially by three of the four major companies, with the fourth company joining in later and briefed separately, who were very interested and complimentary of the package introduced to them. She stated that they were impressed with the City's willingness to work with them and for coming up with a master license agreement that allowed their equipment on the City's street lights.

Mr. Skolnik explained that despite staff's optimism from the meeting, there would likely still be comments received from the wireless companies prior to the Planning and Environment Commission hearing.

Responding to Council Member Piazza's inquiries, Mr. Skolnik stated that the Planning Commission would review the ordinance pertaining to wireless facilities on private property, where cities still had the ability to require a conditional use permit, thereby reconciling the municipal code with State and Federal laws and setting up certain processes. The other ordinance to be considered by the Planning Commission had been referred to as the 6409 ordinance, which was based on the Federal regulation regarding co-locations with minor changes to existing installations. The ordinance that affected the public right of way did not affect the zoning sections of the municipal code and would be presented directly to the City Council for review and consideration.

Ms. Rapp replied to Council Member Piazza's questions regarding light pole aesthetics by stating that accompanying the ordinance would be a resolution setting standards on appearance and the hierarchy of location preference, which took into consideration poles that would not impact residents, such as next to schools, play yards or side panels.

Mr. Skolnik explained that there would be guidelines for location and design standards that the Council would approve and that providing the standards to be set by resolution allowed for potential and future changes without the necessity of having to go through the ordinance process of two readings and the thirty-day period prior to becoming effective.

Responding to Council Member Wood's query regarding her change of opinion, Ms. Rapp stated that it had been a result of better understanding of the technology, which required closer proximity to the user/customer in order to provide improved service with the benefits of lower power levels, and calculating the required number of poles per square mile to accommodate the wireless facilities. She stated that such a proliferation of poles in the public right of way was not acceptable and that by using the City's existing poles, locating the wireless facilities and equipment could be more compact and efficient. She stated that other considerations included greater controls with a master license agreement such as for restoring or replacement of damaged poles. She expressed a reluctance to allow locating such equipment on traffic signals.

Council Member Piazza expressed concerns with residents being able to voice their opinions subsequent to the equipment being installed.

WIRELESS ORDINANCE STUDY SESSION - Continued

Mayor DuBois suggested taking a proactive position by providing some type of notification to the residents impacted by the installations.

In response to Council Member Piazza's questions, Mr. Skolnik replied that one of the elements of the proposed legislation included cities' inability to continue to receive income from such installations. He stated that if the ability to charge rent were to be allowed to continue, Council would have to establish amounts that would be considered a fair price. Ms. Rapp added that such amounts could be determined by looking at other master license agreements that were already in process with some nearby jurisdictions.

Ms. Rapp clarified for Council Member Wood that informing the wireless companies of the City's proposed ordinances allowed for some additional time to get the programs in place and prevented those companies from moving ahead without City involvement.

Mr. Chambers confirmed for Council Member Piazza that the legislation had already moved through the State legislature and that it would be no longer be an option for the League of California Cities or other organizations to advocate on behalf of cities.

Mr. Skolnik informed Council Member Wood that the consequences of inaction included the possibility of starting the companies' shot clock.

Ms. Rapp reported that some of the wireless companies had already submitted applications but due to the process which had been initiated, some had withdrawn those applications. She stated that they indicated their preference for locating their facilities on street light rather than on Southern California Edison's poles and noted that it had been very beneficial to bring the wireless companies into the process.

Mr. Skolnik confirmed for Council Member Croft that the City retained some control over Edison's locating such equipment onto poles in the public right of way.

Ms. Rapp noted that another aspect related to the applications submitted by the wireless companies included the necessity for them to obtain encroachment and excavation permits from the City to be able to provide power to the equipment on the poles.

Vice Mayor Croft explained that by having an antenna located nearby, a wireless device would use less battery power to communicate and therefore would last longer.

Ms. Rapp confirmed that at this time, no public outreach programs had been initiated by the wireless companies. She added that initially the companies would be looking at coverage maps to determine where gaps would need to be filled and that deployment of the facilities would not occur all at once.

Vice Mayor Croft suggested that it would be prudent to have available the company names and other contact information in response to inquiries received once installations began.

WIRELESS ORDINANCE STUDY SESSION - Continued

Ms. Rapp confirmed for Council Member Wood that the wireless facilities would be installed on street light poles in many areas including residential neighborhoods due to the necessity to be located reasonably close to the customers.

ADJOURNMENT

There being no further business to be brought before the City Council, Mayor DuBois adjourned the meeting at 7:08 p.m.

Respectfully submitted,

Jo Mayberry, CMC
City Clerk