

## PIEDMONT CITY COUNCIL

Special Meeting Minutes for Monday, August 21, 2017

A Special Session of the Piedmont City Council was held August 21, 2017, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on August 17, 2017.

### CALL TO ORDER

Mayor Wieler called the meeting to order at 5:04 p.m.

### ROLL CALL

Present: Mayor Jeff Wieler, Vice Mayor Bob McBain, and Councilmembers Jennifer Cavanaugh and Teddy Gray King

Absent: Councilmember Tim Rood (excused)

Staff: City Administrator Paul Benoit, Assistant City Attorney Kevin Siegel, Senior Planner Pierce Macdonald Powell, and City Clerk John Tulloch

### WORK SESSION

#### **Wireless Technology and Regulatory Framework**

City Administrator Paul Benoit stated the special meeting was being held to provide the Council information on wireless technology, small cell site installations, and the State and Federal legal frameworks under which the City can regulate wireless communication facilities. He introduced Jonathan Kramer of the Telecom Law Firm to give the presentation. He noted that this presentation is independent of the application submitted by Crown Castle NG West LLC and Beacon Development for small cell sites within Piedmont.

Jonathan Kramer of the Telecom Law Firm stated his presentation would review a variety of subjects including technology, regulatory, legislation, and radio frequency safety issues. He reviewed his credentials, including that he co-authored the Federal Communications Commission's (FCC) National Guide for Local Governments on Radio Frequency Safety and prepared his doctoral thesis on the impact of cell towers on property values.

He outlined the regulatory authority of the Federal Government, including: fundamental laws, technical standards, timing of processes, radio frequency emissions rules, interference resolution. State and Local governments have the authority to regulate aesthetics; basic locational standards; time, place and manner; zoning; and safety.

Dr. Kramer reviewed the limits in Federal law on state and local government regulatory authority. He explained the radio frequency emissions safety standards and how they are set by the FCC. He discussed the time limits placed by federal and state law on how long a local government can take to approve an application and the consequences for missing those deadlines.

Dr. Kramer explained the difference between and coverage provided by macrocells and small cells and provided photographic examples of various types of small cell sites and explained that the location of a cell site determined the speed of data transmission.

Dr. Kramer reviewed the regulatory actions under way at the federal and state levels, including Senate Bill (SB) 649, which is currently being considered by the state legislature. He indicated that, if passed, SB 649 would strip away most local government siting regulations for small cells; eliminate zoning restrictions for

wireless siting on public, right of way, and private property. He stated that the bill requires local governments to make essentially all public property available for small sites with extremely limited rent for use of the property.

Dr. Kramer discussed applicable case law on the regulation of wireless facilities, including the Metro PCS vs. City and County of San Francisco litigation. He also indicated that the different designs of small cell sites served different functions.

**Public Testimony** was received from:

Stephen Kozinchik asked what next steps the legislature would take in its consideration of SB 649. He expressed concern with Electromagnetic Sensitivity (ES). He discussed the exemption for firefighters based on health.

Sharon James of Crown Castle asked Dr. Kramer's findings regarding property values and cell towers. Dr. Kramer stated that his research indicated that camouflaged cell sites did not impact property values.

A resident asked what the next technology to follow small cell sites would be. Dr. Kramer explained that the equipment on the existing sites would change.

**ADJOURNMENT**

There being no further business, Mayor Wieler adjourned the meeting at 6:30 p.m.