MARANA TOWN COUNCIL
STUDY SESSION
NOTICE AND AGENDA
11555 W. Civic Center Drive, Marana, Arizona 85653
Council Chambers, October 11, 2016, at or after 6:00 PM

Ed Honea, Mayor
Jon Post, Vice Mayor
David Bowen, Council Member
Patti Comerford, Council Member
Herb Kai, Council Member
Carol McGorray, Council Member
Roxanne Ziegler, Council Member

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Marana Town Council and to the general public that the Town Council will hold a meeting open to the public on October 11, 2016, at or after 6:00 PM located in the Council Chambers of the Marana Municipal Complex, 11555 W. Civic Center Drive, Marana, Arizona.

ACTION MAY BE TAKEN BY THE COUNCIL ON ANY ITEM LISTED ON THIS AGENDA. Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in *italics*.

The Council Chambers are wheelchair and handicapped accessible. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Town Clerk at (520) 382-1999. Requests should be made as early as possible to arrange the accommodation.

This Notice and Agenda posted no later than Monday, October 10, 2016, 6:00 PM, at the Marana Municipal Complex, 11555 W. Civic Center Drive, the Marana Operations Center, 5100 W. Ina Road, and at www.maranaaz.gov under Agendas and Minutes.

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE/INVOCATION/MOMENT OF SILENCE

APPROVAL OF AGENDA

CALL TO THE PUBLIC

At this time any member of the public is allowed to address the Town Council on any issue within the jurisdiction of the Town Council, except for items scheduled for a Public Hearing at this meeting. The speaker may have up to three minutes to speak. Any persons wishing to address the Council must complete a speaker card located outside the Council Chambers and deliver it to the Town Clerk prior to the commencement of the meeting. Individuals addressing a meeting at the Call to the Public will not be provided with electronic technology capabilities beyond the existing voice amplification and recording capabilities in the facilities. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the Council may respond to criticism made by those who have addressed the Council, and may ask staff to review the matter, or may ask that the matter be placed on a future agenda.

DISCUSSION/DIRECTION/POSSIBLE ACTION

D1 Presentation: Relating to Transportation; update regarding the Regional Transportation Authority plan (Jocelyn C. Bronson)

D2 Relating to Strategic Planning; discussion and direction regarding the fourth iteration of the Marana Strategic Plan, including options for different approaches to the development process (Gilbert Davidson)

D3 Relating to Real Estate; discussion and direction to staff regarding requests for use of public right-of-way for telecommunications and radio frequency transport purposes, including pending requests by Mobilitie, LLC for a license to use public right-of-way for these purposes and for conditional use permits to install new utility poles and equipment associated with a small cell distributed antenna system (Frank Cassidy)

D4 Relating to Commerce; discussion, direction and possible action regarding the proposed Ina Corridor Business Support Program, which is intended to aid businesses in several ways as the Ina/I-10 interchange is reconstructed. (Tony Hunter)

EXECUTIVE SESSIONS

Pursuant to A.R.S. § 38-431.03, the Town Council may vote to go into executive session, which will not be open to the public, to discuss certain matters.

E1 Executive Session pursuant to A.R.S. §38-431.03 (A)(3), Council may ask for discussion or consultation for legal advice with the Town Attorney concerning any matter listed on this agenda.

FUTURE AGENDA ITEMS

Notwithstanding the mayor's discretion regarding the items to be placed on the agenda, if three or more Council members request that an item be placed on the agenda, it must be placed on the agenda for the second regular Town Council meeting after the date of the request, pursuant to Marana Town Code Section 2-4-2(B).

ADJOURNMENT

Council-Study Session **D1**

Meeting Date: 10/11/2016

To: Mayor and Council

From: Jocelyn C. Bronson, Town Clerk

Date: October 11, 2016

Strategic Plan Focus Area:
Not Applicable

Subject: Presentation: Relating to Transportation; update regarding the Regional Transportation Authority plan (Jocelyn C. Bronson)

Discussion:

Mindy Blake, outreach coordinator at the Pima Association of Governments, will be giving Council a preview of a presentation she will be making to community groups to raise public awareness of the Regional Transportation Plan and what it has delivered to date.

Staff Recommendation:

Presentation only.

Suggested Motion:

Presentation only. No action is required.

Attachments

No file(s) attached.

Council-Study Session **D2**

Meeting Date: 10/11/2016

To: Mayor and Council

Submitted For: Gilbert Davidson, Town Manager

From: Anthony Hunter, Management Assistant

Date: October 11, 2016

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Strategic Planning; discussion and direction regarding the fourth iteration of the Marana Strategic Plan, including options for different approaches to the development process (Gilbert Davidson)

Discussion:

The Marana Strategic Plan is an essential document in the execution of a shared community vision. This fourth iteration of the plan will be especially important as the economy shows sign of improvement, new opportunities for development emerge across Marana, and challenging decisions need to be made about the future of the community and the Town organization. In this discussion, staff will present options for how Council may approach the process of developing the new plan. These include the format by which Council and staff will develop new plan ideas, if Council wants a separate community engagement process, and if Council wants to utilize a new software system designed to organize and report strategic plan progress reports.

The proposed format will be small Council groups for each focus area of the strategic plan, which will have staff assigned who have the technical background for that particular focus area. Each working group will spend time on each focus area. By the end of the process, each Council member will have spent time working on each focus area. At the conclusion of the small working group phase, the entire Council will meet to review and set priorities based upon the input from each individual Council member on the individual focus area. Additional detail and a matrix will be presented for Council consideration of this proposed format.

In addition to the proposed format, Council will need to discuss and provide direction related to community engagement. This phase could take place after the Council has worked through its process or it could be initiated at the beginning so that Council considers those requests as part of

the Council working group process. Finally, Town staff has identified a software package that could help generate usable reports for Council and the public. Additional information related to this software system will be discussed at the Council meeting.

Staff Recommendation:

Staff asks for direction from Council as to the options presented.

Suggested Motion:

Council's pleasure.

Attachments

No file(s) attached.

Council-Study Session **D3**

Meeting Date: 10/11/2016

To: Mayor and Council

From: Frank Cassidy, Town Attorney

Date: October 11, 2016

Strategic Plan Focus Area:
Not Applicable

Subject: Relating to Real Estate; discussion and direction to staff regarding requests for use of public right-of-way for telecommunications and radio frequency transport purposes, including pending requests by Mobilitie, LLC for a license to use public right-of-way for these purposes and for conditional use permits to install new utility poles and equipment associated with a small cell distributed antenna system (Frank Cassidy)

Discussion:

Mobilitie, LLC provides communications infrastructure for telecommunications companies, including Sprint. Mobilitie is the first telecommunications company to request installation of small-cell local distribution network within the Town's public right-of-way, including the installation of new utility poles to be used to attach small-cell facilities and to connect its local distribution network to the communication hub.

Other telecommunications companies have licenses to use Town rights-of-way for installation of underground cable and/or cable attached to existing utility poles, but their local distribution network consists entirely of antennas installed outside the public right-of-way.

In an effort to expand Sprint's cellular telephone coverage, Mobilitie hopes to create a local distribution network consisting of so-called "small cells" -- an approach explained in a June 7, 2016 Wall Street Journal article attached as backup to this item. Small cell infrastructure can be attached as an extension on top of existing street lights and other utility poles (pictured on the first page of the article), as attachments to buildings and other existing vertical features, or as attachments to new poles.

The Town typically grants a revocable right to use public right-of-way through the issuance of a license. The Town issues right-of-way licenses for utility encroachments, landscaping, signage,

and other purposes. Major public service companies like Comcast and Trico have franchise agreements, which are similar to licenses, but apply to the entire Town or entire portions of the Town and which require voter approval. A license or franchise shows that the Town has given permission to use the public right-of-way for a particular purpose and (with a license) in a particular location. Licensees and franchisees are required to relocate their facilities at their own cost to accommodate conflicting Town use of the right-of-way.

After obtaining a license or franchise, an applicant must get a right-of-way use permit for the specific construction activity or installation that occurs in the public right-of-way. The right-of-way use permit allows Town staff to ensure that traffic safety and construction standards are met.

Mobilitie expressed a desire to attach 42" extensions atop Town-owned and TEP-owned poles when it first approached the Town in September 2015. By June 2016, Mobilitie was asking to install new utility poles in Town right-of-way. Town staff explained that cell towers of any kind had never before been permitted in the public right-of-way, and that each individual installation would also need to be approved (if at all) through the Town's conditional use permit process, involving a public hearing before and recommendation by the Marana Planning Commission and a public hearing and ultimate decision by the Marana Town Council.

Town staff has scheduled tonight's study session to give the Town Council a preview of and an opportunity to ask questions about and provide direction to Town staff regarding the upcoming Mobilitie license application and conditional use permit applications.

Municipalities are not permitted to adopt ordinances that have the effect of prohibiting any telecommunications corporation from providing telecommunications service. However, municipalities can require telecommunications companies to provide service using the least intrusive means. Least intrusive does not mean least expensive.

In the 2016 legislative session, the Arizona legislature adopted A.R.S. § 9-584, a law to accommodate the placement of "microcells" in the public right-of-way. No cases have yet interpreted the new law, and some of its provisions are ambiguous. It requires municipalities to allow microcell installations in the public right-of-way by already-licensed cable companies and "any telecommunications corporation that was providing telecommunications service within this state on November 1, 1997 pursuant to a grant made to it or its lawful predecessors prior to the effective date of the Arizona Constitution" (referred to here as "Ma Bell" for short). The law also requires municipalities to allow telecommunications companies to operate in a competitively neutral and nondiscriminatory basis.

Mobilitie is neither a cable company nor Ma Bell. But Mobilitie will likely argue that the new law requires the Town to allow Mobilitie to attach small cell facilities to existing utility poles in the Town's public right-of-way. The Town Attorney is not convinced that the Town is required to allow Mobilitie to attach its small cell facilities to existing utility poles. However, the Town Attorney is convinced that the Town may do any or all of the following on a competitively neutral and nondiscriminatory basis:

- The Town may in most cases require camouflaging of any telecommunication equipment to improve its appearance
- The Town may prohibit erection of new utility poles or towers in the right-of-way for the

attachment of small cell facilities
- The Town may prohibit ground-mounting of communications facilities and may require all supporting infrastructure and "backhaul" to be placed underground

The communication hub connecting antennas in the local distribution network to the mother communication facilities is referred to as the "backhaul." During discussions with Town staff, Mobilitie representatives have expressed a desire for "backhaul" to occur by use of microwave facilities. Microwave requires line-of-sight clearance between the antennas in the local distribution network and the "backhaul" cell tower. To maintain a clear line-of-sight, poles tend to be higher than would be necessary if the "backhaul" were accomplished through more traditional underground fiber-optic cable.

Mobilitie's initial plans call for the erection of two new utility poles -- an approximately 75-foot tall "backhaul" microwave tower to be constructed in the right-of-way of River Road just north of Joiner Road, and an approximately 73-foot tall small cell tower on Ina Road about 1000 feet west of Thornydale Road (in front of the Discount Tire store). These poles will be the subject of upcoming conditional use permit (CUP) applications, which will likely go through the public hearing process before the Planning Commission and the Town Council later this year.

Before bringing the CUP applications forward, the two initial proposed utility pole sites will be brought forward in a right-of-way license, which is currently anticipated to be presented to the Town Council for consideration on October 18.

Staff Recommendation:

Council's pleasure.

Suggested Motion:

Council's pleasure.

Attachments

WSJ Mobilitie article

THE WALL STREET JOURNAL.

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http://www.wsj.com/articles/sprints-drive-to-improve-coverage-faces-permit-delays-1465337015

TECH

Sprint's Wireless Fix? More Telephone Poles

Wireless provider's innovative plan to boost cell service runs into local hurdles



One of the wireless antennas being installed on light poles in cities around the country for Sprint and other carriers to increase cellphone service quality at lower cost than much-larger tower antennas. Pole above is in Los Angeles. *PHOTO: CELLTOWERPHOTOS.COM*

By RYAN KNUTSON

June 7, 2016 6:03 p.m. ET

Don Budreski earlier this year noticed a roughly three-story-tall utility pole pop up across the street from his Baltimore electronics shop.

"It was just odd," he said of the slender, steel post. "I thought, 'What are they putting that thing there for?' "

Mr. Budreski had caught a glimpse of a key element of Sprint Corp.'s plan to improve its network and win back customers: thousands of sidewalk utility poles.

The Overland Park, Kan., company wants to install low-power cellular antennas in public rights of way, land typically holding utility poles, street lamps and fire hydrants. In places where it can't strap antennas to existing poles, it wants to erect new poles.

Sprint is primarily working with Mobilitie LLC, a Newport Beach, Calif., company to build these cellular antenna systems from California to Massachusetts. Mobilitie has begun installing them, which it says are typically the size of a briefcase and often inside boxes attached to the poles.

RELATED READING

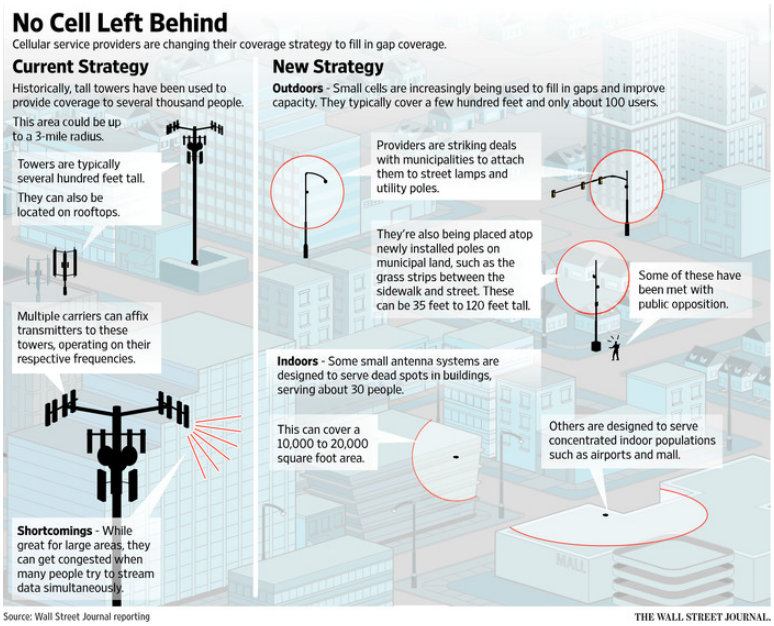
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- Sprint Loss Widens Even as It Adds Customers

But the rollout has been delayed as communities confront what some consider unsightly installations and authorities wrestle with new regulatory questions. Sprint recently slashed its capital spending plans for the year as it waits for zoning approvals. Mobilitie says it has about 1,000 permits approved and will start large-scale installations once more are in hand.

In the past, wireless carriers built towers of 200 feet or more that could send signals over large areas to cover as many customers as possible. Now that more people use smartphones to stream videos and surf the Web, carriers want to put lower-power antennas closer to the ground so that fewer people will connect to each one—resulting in less network congestion.

"It's not a new concept," said John Saw, Sprint's chief technology officer. "All carriers are trying to 'densify' their networks." But Sprint's goal is to be "cheaper and faster and more innovative" than its rivals, he said.

Popping antennas on existing utility poles is something most carriers are hoping to do. But cash-strapped Sprint aims to take the concept further than rivals: It is hoping to install as many as 70,000 antennas in the public right of way over the next few years. By comparison, it has 40,000 traditional antenna sites on towers or rooftops.



It is a central piece of a strategy devised in early 2015 by Sprint Chairman Masayoshi Son to improve service while keeping costs down. Companies can negotiate with a city for one deal that includes various permits. Mobilitie Chief Executive Gary Jabara says building and operating these so-called small cells costs about $190,000 over 10 years, whereas a traditional tower costs $732,000 because of real estate rents, power and other costs.

The airwaves Sprint owns are ideally suited for this design because their high frequency prevents them from traveling long distances. Rather than string fiber-optic cables to each antenna, Sprint hopes to link them via wireless connections, further bringing down costs and speeding deployment.

Analyst Jonathan Atkin at RBC Capital Markets is skeptical, saying Sprint may only be able to build a fraction of the sites it wants in public rights-of-way governed by federal, state and local laws.

Mobilitie's practices in some places have faced local resistance. It has filed applications under various corporate names, including the Illinois Utility Pole Authority, NC Technology Relay Networking, and Interstate Transport and Broadband. It has used similar-sounding names in at least 30 states.

Joseph Van Eaton, a lawyer who represents municipalities dealing with the applications, says the names are misleading. "You may very well end up with some of these applications being granted for exactly the reason why they like these names—it sounds official," he said.

Mobilitie is willing to modify its applications to avoid being disruptive, Mr. Jabara says. "It's more important to be a good citizen" than to move quickly, he said. "You have to do the right thing."

Mr. Jabara says the names also make it easier for local officials to understand the status of his firm. The company is a registered utility and those business names help reflect that status, he says. "In some states it's more comprehensible for a jurisdiction to work with an authority," he said. In the future, the company will most often use the name "Mobilitie" in dealings with local officials, he said.

In Salem, Mass., Mobilitie applied last fall to install antennas on seven poles. After some residents expressed concerns over the look of the antennas, the company withdrew three applications and agreed to camouflage the other four.

> *'Not in my backyard has been around for a very long time.'*
>
> —John Saw, Sprint CTO

In Baltimore, Mobilitie was fined $5,000 for failing to get proper permits for the temporary pole across from Mr. Budreski's shop, which was taken down after a few days. The company since has received approval to attach equipment to 14 poles across the city. It will pay Baltimore $70,000 for pole attachment rights in the first year of the deal. Mr. Jabara says that amount is unusually high, and many places charge less than $50 a year per pole.

Mr. Jabara says such incidents were inadvertent mistakes. Sprint's Mr. Saw says his company is committed to being patient and making sure municipalities are comfortable with its plans.

"We're not surprised that sometimes you will run into opposition in certain jurisdictions," Mr. Saw says. " 'Not in my backyard' has been around for a very long time."

Write to Ryan Knutson at ryan.knutson@wsj.com

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Council-Study Session **D4**

Meeting Date: 10/11/2016

To: Mayor and Council

Submitted For: Gilbert Davidson, Town Manager

From: Suzanne Sutherland, Assistant to the Town Clerk

Date: October 11, 2016

Strategic Plan Focus Area:
Commerce

Strategic Plan Focus Area Additional Info:
This program is intended specifically to aid businesses along the Ina corridor during the major reconstruction of the Ina/I-10 interchange. By supporting these businesses through this transitional period, we are directly supporting commerce in Marana.

Subject: Relating to Commerce; discussion, direction and possible action regarding the proposed Ina Corridor Business Support Program, which is intended to aid businesses in several ways as the Ina/I-10 interchange is reconstructed. (Tony Hunter)

Discussion:

In early 2017, the I-10 interchange at Ina Road will be closed for a roughly two-year period to allow for its complete reconstruction. Naturally, this will cause significant disruptions in normal commercial traffic for the businesses along the Ina Corridor in Marana. To mitigate these effects and to support our local businesses, staff is proposing a multi-faceted program which would include the following elements:

- Promotional signage: Sponsored by the Town, these signs would be generally designed for business attraction and placed at strategic locations along the Ina Corridor.
- Mobile app: Acting as a mobile digital hub for the program, this app would allow residents and visitors to view maps of the area, lists of Ina businesses, and even see special deals and sales.
- Construction Zone Temporary Banner Signage: Land Development Code amendment to allow temporary on-site banner signs for the duration of a construction project in commercial corridors. These changes will be limited to significantly disruptive construction projects where normal traffic patterns are substantially altered.

Financial Impact:

Fiscal Year:	FY '17/FY '18
Budgeted Y/N:	N
Amount:	Unknown

Fiscal impact will depend upon the number and type of signage being installed by the Town, technology costs, advertising and marketing costs, and other elements of promotion. In addition, the Town may need to advertise, promote, and/or distribute messaging to the general public to support the businesses along the Ina Corridor. If existing budgets within Communications and Marketing, Manager's Office, Economic Development, Tourism, Public Works, Engineering, and Technology Services are not able to appropriately cover the necessary cost, staff will bring an item back to Council authorizing the use of contingency funding.

Staff Recommendation:

Staff recommends Council authorization to implement the marketing and promotional elements of the Ina Corridor Business Support Program. Regulatory authorizations related to signage will be brought back to Council for formal adoption at a future meeting.

Suggested Motion:

I move to approve the Ina Corridor Business Support Program concept and direct staff to bring back to Council an action item to create a Construction Zone Temporary Banner Signage program.

Attachments

No file(s) attached.
