



**Attach 1  
Cell Towers**

**CITY OF GRAND JUNCTION**

<b>CITY COUNCIL AGENDA</b>						
<b>Subject</b>		Telecommunication Facilities				
<b>Meeting Date</b>		August 18, 2003				
<b>Date Prepared</b>		August 13, 2003			File # N/A	
<b>Author</b>		Bob Blanchard		Community Development Director		
<b>Presenter Name</b>		Bob Blanchard		Community Development Director		
<b>Report results back to Council</b>		<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	Yes	When
<b>Citizen Presentation</b>		<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Name
<input checked="" type="checkbox"/>	Workshop	<input type="checkbox"/>	<b>Formal Agenda</b>		<input type="checkbox"/>	Consent
						<b>Individual Consideration</b>

**Summary:** Regulations to address telecommunication facilities were first adopted by the City in 2000. Early 2002, the City and County co-sponsored a presentation by a consultant who addressed the state of the industry as well as the adequacy of our Code requirements. Since that time, this issue has been a low priority on the work program. This staff report provides background and options for addressing this issue in case Council desires to increase it's priority.

**Budget:** N/A

**Action Requested:** Review information for discussion at workshop. Provide direction to staff on proceeding to address telecommunication facilities in more detail.

**Background Information:** Please see attached Staff report

**Attachments:**

- Staff Report
- Section 4.3.R of the Zoning and Development Code,  
Telecommunication Facilities/Towers (Attachment 1)
- Map of cellular towers and broadcast antennae

## **BACKGROUND**

Wireless phone service was first introduced in 1984 and its use has grown exponentially since then. In 1998 it was shown that almost one third of American adults were using wireless phones and recent studies have shown that many have abandoned "landline" technology for exclusive use of cell phones.

Early in 2000, it was estimated that there were around 35,000 towers in existence throughout the country with estimates of up to four times that many in the next few years. Along with the growth of this technology, concern about the aesthetic issues associated with this technology has grown just as fast. Towers often reach several hundred feet high and are often placed in elevated, highly visible public spaces. With concerns about the proliferation of towers and their visual impacts, many local governments are attempting to regulate communications facilities to a higher degree than they have before.

The City of Grand Junction added regulations to address telecommunication facilities and towers when the Zoning and Development Code was rewritten in 2000. While the Zoning and Development Code did not address telecommunication facilities prior to 2000, the City did adopt Emergency Ordinance No. 3184 in October, 1999 to address what at that time were new requests to locate wireless services within the City. The language in the emergency ordinance was identical to what was adopted in the Zoning and Development Code.

In February, 2002, the City and County co-sponsored a consultant presentation on the state of the telecommunication industry and what options local governments have for regulating the placement of associated facilities but there was never any follow-up to further address any perceived problems. Concern about the visual impact of these structures was again discussed during the 2002 Growth Plan Update when emphasis was placed on the need for addressing community appearance issues:

Policy 13.11: The City and County will develop Code provisions that minimize the visual impact of telecommunication towers and facilities.

New Action Item: Review and revise the Telecommunications Facilities/Towers section of the Code to implement measures that minimize the visual impacts.

Concern over the appearance of developments in the community was validated in the City Council's Strategic Plan:

Goal – Develop a culture which values citizen-based planning, adherence to adopted plans and emphasis on high quality development.

Objective 3 – Working from recommendations of the citizens committee reviewing Grand Junction's Growth Plan, complete implementation of recommendations for expanded design standards by December 31, 2003.

Action items associated with this Goal and Objective included identification of action items to implement community appearance policy of the Growth Plan Update (completed in April, 2003) and to finalize and adopt expanded design standards by the end of 2003.

Development review activity has dropped significantly since 2001 as evidenced by the following information:

- 2001: 11 applications (10 approved)
  - 1 new freestanding tower
  - 2 new towers with co-locate approval
  - 7 co-locate antennae
  
- 2002: 5 applications (3 approved)
  - 2 new freestanding towers
  - 1 co-locate antenna
  
- 2003: 2 applications (2 approved)
  - 1 co-locate antenna
  - 1 co-locate antenna with ground base shelter

## **EXISTING REGULATIONS**

City regulations regarding telecommunication facilities and towers are contained in Section 4.3.R of the Zoning and Development Code (Attachment 1). City regulations include the following elements:

**Setbacks:** Telecommunications facilities and towers must be set back from all adjacent residentially zoned or used property by a minimum of 200 feet. A setback minimum of 85 feet or a 2:1 ratio based on the tower height, whichever is greater is established from non-residential zoned or used property. Any facility or tower located on public utility structures, facilities or properties are exempt from setbacks provided they are no taller than the utility structure.

**Location:** Shared use/co-location of wireless communication facilities on existing structures, towers or building are encouraged to limit the need for constructing individual freestanding towers.

Only concealed towers and facilities are allowed within 1/8 mile from the right-of-way of: Grand Avenue from 1<sup>st</sup> Street to 12<sup>th</sup> Street; any portion of Monument Road within the City; 7<sup>th</sup> Street from North Avenue to the Colorado River; and, any other rights of way designated by the City Council (there are none).

Only concealed towers and facilities are allowed within a historic zone or area.

**Review Process:** All applications for telecommunication facilities and towers require a Conditional Use Permit which includes a public hearing by the Planning Commission with the following exceptions:

Towers or facilities constructed as an integral part or component of light standards, buildings, utility structures or other structures at City parks other City buildings can be approved by the Community Development Director and Department Director of the department that operates the property where the facility is to be located.

Landscaping/Screening: Any site with a freestanding tower or telecommunication facility must be landscaped according to requirements of the zoning district where it's located. Landscaping requirements can be waived by the Planning Commission if they determine that existing vegetation is equal to or greater than that required by the Code.

A six foot high wall or fence or other suitable buffer yard is required to surround a freestanding tower or facility (chain link is not allowed).

In addition, the Code requires that each tower or facility is subject to a two year review to determine whether or not the originally approved number of antenna and design are still appropriate and necessary. Research into this requirement shows that this has never been done except for those instances when there was a new co-location request for an existing tower.

## **OPTIONS**

### **Develop A Wireless Master Plan**

This could take the form of a stand alone plan or become an element of the Growth Plan. Ultimately, a map would be produced detailing where and how telecommunications facilities should be sited to provide effective service and minimize visual impacts. Typically this effort includes a survey to determine more appropriate and less appropriate areas for the location of facilities considering topography, population distribution, major transportation corridors and existing and proposed land uses. Also included in this survey would be an inventory of structures that may be appropriate for facility siting including buildings over a certain height, existing tall facilities (e.g. water tanks) and other tall structures.

Also, geographic areas that are well-suited and not well-suited for facilities would be identified. Possible areas that are better suited for these facilities might include land zoned for commercial and industrial uses; large, publicly owned properties such as maintenance yards; and, lands where visual impacts may be minimized. Possible areas that may not be well suited include residentially zoned areas; areas with important viewsheds or view corridors; and, areas with high visibility.

Ideally, especially in community like Grand Junction, this type of plan would be developed cooperatively with the County, Fruita and Palisades so a single plan for the entire Valley was adopted.

This particular option would require a substantial commitment by the City in terms of staff and financial resources. Given the work program reviewed by Council earlier this year, the Community Development Department could not undertake this project until 2006 unless some other project was delayed.

### Zoning Controls / Development Standards

In reviewing the City's Code against selected literature and limited examples of ordinances from other communities, our regulations meet many of the recommendations including things like detailed submittal information (including a visual analysis) and time limits. However, there are other zoning options that could be considered:

Restrict facilities in certain zoning districts – Our Code allows telecommunication facilities in every zone as a Conditional Use Permit. Many communities allow them as a use by right in commercial and industrial areas as an incentive to locate away from residential areas. The CUP process then becomes a less preferred process.

Restrict towers in environmentally sensitive areas – While this occurs anyway with restrictions on development in floodways and floodplains, wetlands and steep slopes, they may not be precluded from ridge lines and view corridors. This type of restriction would be consistent with the direction the Council has directed for development of design standards to address community appearance issues adopted in both the Growth Plan and the Strategic Plan.

Development of additional development standards – These might include placing height restrictions on new towers, enhancing screening requirements for ground facilities, requiring specific colors and materials to minimize visibility and placing stronger emphasis on “stealth” technology to make towers as inconspicuous as possible.

Identification of City properties and facilities that would be appropriate for antennae location such as sports field light standards, buildings, street lights, etc. This offers the opportunity to control the placement and create revenue.

**R. Telecommunication Facilities/Towers.**

1. **Purpose.** The purpose of this section is to regulate the placement, construction and modification of towers and/or telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of competitive wireless telecommunications in the City.
2. No telecommunications facilities and towers shall be altered, added to, installed or permitted unless the Director has approved a site plan review for the property and the facility or tower.
3. **Amateur Radio.** Radio communications, as licensed or regulated as such by the Federal Communications Commission that is less than ten (10) feet tall measured from grade or ten (10) feet higher than the highest point of the roof. This chapter does not apply to amateur radio equipment.
4. **Antenna.** Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.
5. **Co-Location.** The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.
6. **Satellite Dish.** An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.
7. **Concealed or Stealth.** Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.
8. **Telecommunication Facilities.** Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.
9. **Tower.** A self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

10. No site plan shall be approved until the applicant establishes, to the satisfaction of the Director or other decision making body, that the following are satisfied:
  - a. Towers and telecommunications facilities shall be located to minimize any visual and other adverse impact to the neighborhood, especially residential areas and land uses. If the proposed location is on leased property, proof of possession is required.
  - b. Telecommunications facilities and towers shall be set back from all adjacent residentially zoned or used property by a minimum of two hundred (200) feet or two hundred percent (200%) of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the telecommunication facility or tower higher than ten (10) feet, to any portion of the other property. If notice to the affected property owner is given, the Director may reduce any such setback by up to twenty-five percent (25%) if such reduction will allow a tower to be located so that the visual impact on the neighborhood is reduced. For example, a setback could be reduced to allow a tower to be located next to trees in order to partially shield the tower from view.
  - c. All telecommunication facilities and towers shall be set back a minimum of eighty-five (85) feet from the property line or at a 2:1 ratio [two (2) feet of setback for every foot of tower height from the property boundary of the facility] which ever is greater, from non-residentially zoned or used property.
  - d. All telecommunications facilities and towers on public utility structures, facilities or property shall be exempt from the 2:1 setback requirement if they are no taller than the existing utility structure in said location and if approved by the Director.
  - e. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of seven hundred fifty (750) feet.
  - f. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.
  - g. **Location.** Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunication facility may be issued by the Director.
  - h. **Height.** Amateur radio equipment, commercial antennas or equipment measured less than ten (10) feet tall from grade or ten (10) feet higher than the highest point of the roof may be approved by the Director. This shall also include antennas that are co-located on an existing tower for which co-location was approved through the Conditional Use Permit process.
  - i. **City property and buildings.** Towers or facilities that can be constructed as an integral part or component of light standards,

buildings, utility structure or other structures at City parks or other City buildings facilities are encouraged. To that end, upon the payment of an appropriate fee, and compliance with any conditions imposed, the Director and the head of the City department, which operates such property or building, may co-issue a permit therefore.

- j. No new tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the Director that no existing tower, structure or utility facility can be used in lieu of new construction for the applicant's use. At a minimum, such applicant shall demonstrate that:
  - (1) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements;
  - (2) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment;
  - (3) The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible;
  - (4) There is some other reasonable factor that render existing towers, facilities or utility structures unsuitable;
  - (5) No owner of existing towers, structures or utility structures, including the City and other governments, within a distance which meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon or require unreasonable payment or terms; and
  - (6) The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.
11. Every tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.
12. Every tower and telecommunication facility shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.
13. Only a concealed tower or telecommunications facility, the antennas of which all are located on existing vertical structures, is allowed within 1/8 mile from the right-of-way of: Grand Avenue from 1<sup>st</sup> Street to 12<sup>th</sup> Street; any portion of Monument Road within the City; 7<sup>th</sup> Street from North Avenue to the Colorado River; and other rights of way designated by resolution of the City Council.

14. Only a concealed tower or telecommunication facility is allowed within a historic zone or area as designated by the City Council by resolution.
15. In addition to other requirements of this Code, each applicant for a tower or telecommunication facility shall provide the Director with an inventory of all of the applicant's existing tower(s) and/or telecommunication, and facility(ies) or approved sites for the facilities that are either within the City or are within one mile of the then existing border of the City. This information shall include:
  - a. A zone map specific to the application, from the City's zoning map drawn to scale, showing land uses and zoning designation of all uses within a quarter (1/4) of a mile.
  - b. A computer generated visual analysis from all adjacent rights-of-way, showing the relationship of the tower/facility to the topography and other spatial relationships deemed necessary or required by the Director to assess compliance with the Code. If there are more than four (4) such rights-of-way, the Director shall designate which rights-of-way shall be analyzed.
  - c. A description of the tower/facility's capacity which declares the number and type(s) of antennae(s) that it can accommodate or an explanation why their facility cannot be designated to accommodate other users.
  - d. An agreement retained by the City which commits the facility owner and its successors to allow shared use of the facility if an additional user(s) agree in writing to the reasonable terms and conditions of shared use. The applicant shall annually report to the Director: the names, addresses and telephone numbers of every inquiry for co-location; and the status of such inquiry.
  - e. The applicant shall provide evidence of mailed notice of a proposed tower or telecommunication facility to all abutting property owners within four (4) times the distance that the tower or facility is tall, or two hundred fifty (250) feet, whichever is greater, and to any neighborhood association that would be entitled to notice under this Code.
  - f. Any other information as required by the Director to evaluate the request, especially technical information.
16. Tower or telecommunication facilities mounted on existing structures of public utilities which have a franchise or other written permission from the City and concealed towers/telecommunication facility(ies) are permitted in all non-residential zoning districts, unless otherwise specified by this Code. The Director may approve the placement, extension or replacement of a tower or telecommunication facility on an existing public utility structure up to fifty (50) feet above the highest point on the same. The Director may waive public notice and may waive any other submission requirement if he deems that the public interest shall not be harmed.
17. Towers and telecommunication facilities shall be designed and maintained: to minimize visual impact; carry gravity loads, wind loads and with safety measures as required by applicable regulations including adopted building codes; using concealment or

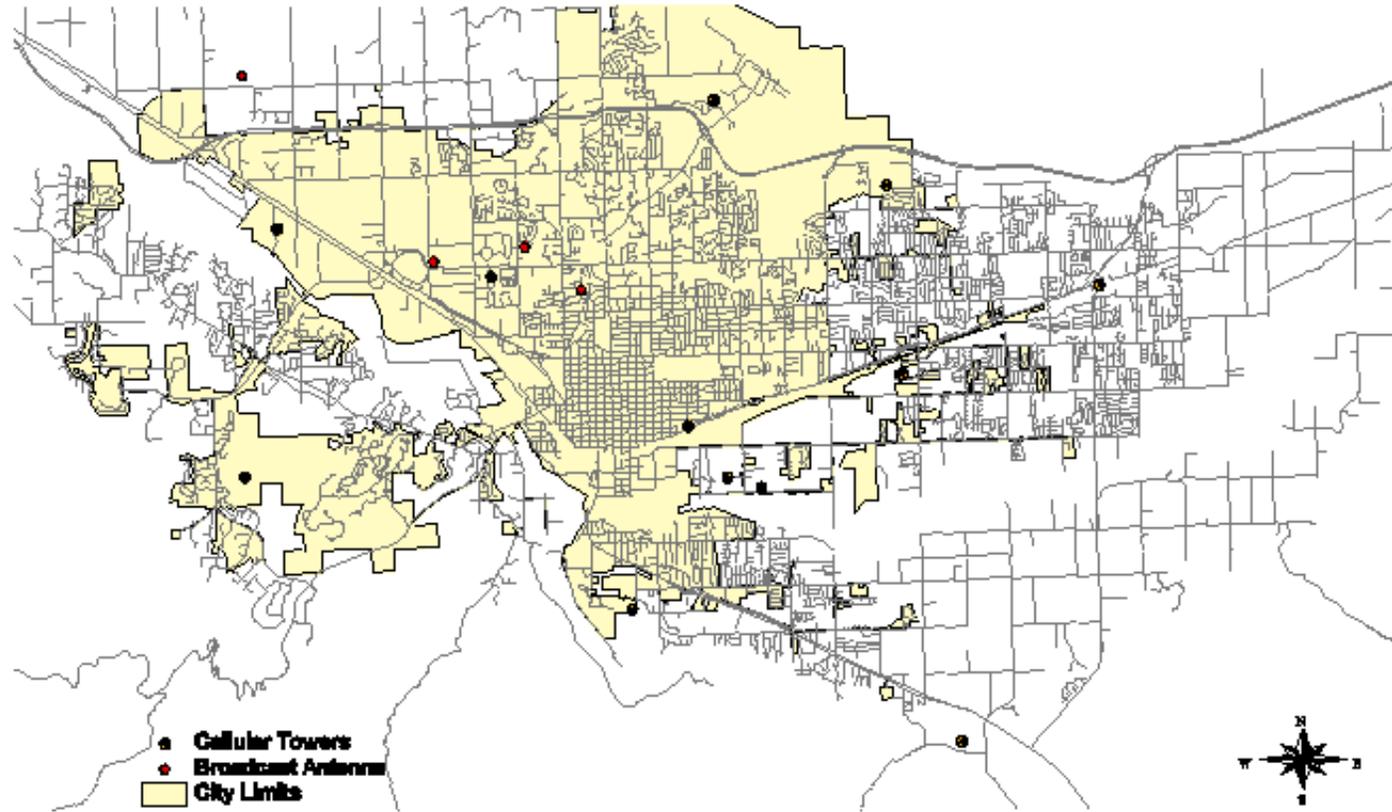
stealth methods, such as camouflaging towers to look like light poles or trees, if at all possible; if co-located, to match the color, shape and look of the structure or facility to which they are attached; to use only non-specular materials. In order to be considered a concealed tower or telecommunication facility, the tower or telecommunication facility shall:

- a. Be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape;
  - b. Be located to avoid a silhouette and preserve view corridors to the east and the west of the Grand Mesa and the Colorado National Monument, as determined from viewing the tower or facility from anywhere within the original square mile of the City;
  - c. Be located on existing vertical infrastructure such as utility poles and public building or utility structures;
  - d. Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building;
  - e. Equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building. Any deviation from this standard shall be reviewed and approved, disapproved or approved with conditions by the director;
  - f. Be located in areas where the existing topography, vegetation, buildings or other structures provide screening; and
  - g. The applicant/developer shall be required to structurally design the footing of the tower or antenna to support a tower or antenna which is at least fifteen (15) feet higher than that proposed by the applicant to accommodate co-locations.
18. The property on which a telecommunication facility or tower is located shall be landscaped and screened, as follows:
- a. A free-standing tower or telecommunication facility shall include landscaping planted and maintained according to a landscaping plan approved by the Director in accordance with the applicable landscaping requirements of the zoning district where the tower or facility is located. Landscaping may be waived or varied by the Planning Commission where the Commission determines that existing site vegetation is equal to or greater than that required by the Code; and
  - b. A six foot (6') high wall or fence or other suitable buffer yard shall surround a freestanding tower or telecommunication facility. Chain link with slats shall not constitute acceptable fencing nor shall it satisfy the screening requirement.
19. Only lighting required by a federal agency is allowed. The location of the lighting fixture(s) shall be such that the lights do not shine directly on any public right-of-way and that the light emitted is otherwise in compliance with this Code.
20. Only signage that is required by state or federal law is allowed. No advertising shall be permitted.
21. Each exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall:

- a. Not contain more than four hundred (400) square feet of gross floor area and shall not be more than twelve (12) feet in height; and
  - b. Maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.
22. Any tower or telecommunications facilities being modified, demolished or rebuilt shall be brought into compliance with the standards adopted in this Code.
23. Every owner of a tower or telecommunications facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state and local regulations and in such a manner that shall not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.
24. Each new tower or facility shall be subject to a two (2)-year review by the Director. The review shall determine whether or not the originally approved number of antenna and design are still appropriate and necessary to provide adequate communications services.
25. The wireless telecommunication facility owner shall remove all wireless telecommunications facilities, which are not in use for any six (6)-month period, within three (3) months of the end of such six (6)-month abandonment. As a part of such removal, the owner shall re-vegetate the site so that it is compatible with the neighborhood. Abandonment shall only be determined by the City Council, after the owner has had notice and an opportunity to be heard.
26. No person shall construct or alter a telecommunications tower or facility without a permit therefore and without having first obtained the approval of the Director. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration. Form 7460-1 shall not be required for the following:
  - a. An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae;
  - b. Any existing tower and antennae provided a building permit was issued for a tower or antennae prior to the adoption of this code;
  - c. Emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities; and
  - d. Any antennae used for FCC licensees engaged in AM, FM or television broadcasting.
27. Appeals of any decision shall be in accordance with Table 2.1.
28. The Director may require the applicant to pay for any engineer or other consultant in order that the City may adequately evaluate the application.

# Cellular Tower Locations

Attachment 2



**Attach 2  
Cable TV Franchise**

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**MEMORANDUM**

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**TO:** Mayor & City Council  
**FROM:** David Varley & Dan Wilson  
**SUBJECT:** Cable Television Franchise  
**DATE:** August 12, 2003

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Over the years the City has discussed whether to negotiate a cable television franchise. While the question has been discussed, the City has never formally committed to a franchise process with the local cable TV provider. In 1999, Norman Beecher, an attorney specializing in local government telecommunications consulting, made a presentation to the City Council. He outlined the law regarding cable TV franchising and presented some information and options to the Council. Some of the information in this memo was taken from that presentation. This memo will highlight the fundamental provisions of a cable TV franchise.

The City of Grand Junction does not have a modern franchise agreement for the provision of local cable television service. Current cable TV is regulated and provided in accordance with a revocable permit that was voter approved in 1966. That 3 paragraph revocable permit allowed the original permittee (a very distant predecessor of the current provider) to install and maintain cables and necessary appurtenances to transmit television signals throughout the City. This permit is outdated, does not contain many important provisions that are found in modern franchise agreements.

The existing revocable permit really only has two provisions. The first provision states that all construction is under the control and supervision of the City Engineer and in accordance with his specifications. The second provision states that the company shall pay to the City 2 ½ % of its gross revenues, excluding connection charges. Payments are made to the City semi-annually. More recent franchises across the country and in Colorado give the local community and the permitting city many other benefits.

Federal law controls the process of negotiation of a new franchise agreement. Congress passed the first set of these rules in 1984 and made amendments in 1992 and 1996 with the result that there are some areas over which a city has broad authority to negotiate and other areas which are strictly limited. Also, the City charter requires that any new franchise agreement must be approved by the City's voters.

Negotiation of an agreement generally takes a minimum of six months. During this process a city is required to gather information pertaining to the needs of the community and solicit public input about local requirements and how well the existing operation has been managed and has met the needs of the community.

There are many different items or provisions that can be considered by a city when negotiating a franchise agreement. The city can choose which provisions it deems to be most important and would like to include in an agreement. The following list contains provisions that “generally” are deemed important by cities and, therefore, receive the most attention. This list is not exhaustive; none of these items is required to be included in the negotiations.

- ✓ **Franchise Fees:** A franchise fee can be charged for both franchise administration and as rent for use of the city’s rights-of-way. The maximum fee that can be charged is 5% of the cable company’s gross annual revenues from its operations in the city. Typically the cable operator simply collects the fees from the cable customers as part of the monthly bill, and pays it to the City. TABOR requires that the voters must approve any such increase.
- ✓ **PEG Provisions:** Cities can require cable companies to give free channels for local public, educational and governmental (PEG) use. The cable company can be required to pay for the costs and equipment needed to actually put local programming “on the air.” The cable company expenses required to do so are not “new taxes or fees” so that a separate TABOR vote isn’t required to obtain these services. Many franchises specify how many channels would be dedicated to PEG, what equipment and personnel the company would ‘donate’, and similar terms.
- ✓ **Upgrade/Rebuild:** As long as it is “reasonable,” a city can require that the cable system be upgraded to provide newer technology, and rebuilt on a schedule to provide additional video related services.
- ✓ **I-Net/Communication Systems:** Newer franchises can provide for free (or reduced-cost depending on the negotiations) connections among city buildings and departments as well as for county, school district and other institutional and/or inter-governmental communications systems.
- ✓ **Customer Service Standards:** Cities can negotiate for customer service standards that are more stringent than those established by the FCC.
- ✓ **Term:** Franchise agreements generally vary between five and twenty-five years.

In addition to this summary list, there are several other provisions that can be addressed in a franchise agreement. Generally, we have considered the provision of a guaranteed channel for the City’s use to be one of the most important items in an agreement. The intent is to make sure the City will always have a channel available to broadcast City meetings and other City programs.

In 1999 Mesa County finished a long renewal process and entered into a lease agreement (the County’s version of a franchise) with the local cable television provider. Under this agreement the cable TV operator provides the County with one channel for government and education access.

In the past, Mesa County has not used this channel to broadcast meetings. However, the County has started to use this channel and they are increasing their use of it. Mesa County uses the channel to broadcast public service announcements

and information about their services. Much of the County's use of the channel is by their Human Services Department. The County has purchased broadcast equipment and is producing some of its own programming. They have also taken over operation of the community information listing on the channel.

While Mesa County's use of the government and education channel has increased recently, the City still has permission to use it. In fact, the County's lease agreement with the cable company states that "The County may designate Access providers of its choice, including the City of Grand Junction....." Also under this agreement the cable provider must ensure that "technically adequate signal quality and routing/switching systems are provided for any shared Access use that may be made between the City of Grand Junction and the County throughout the duration of this Agreement."

This is the channel the City uses to broadcast City Council and Planning Commission meetings. The local cable TV management and Mesa County have been very cooperative and willing to work with us to help us broadcast our meetings. However, because this channel is not dedicated strictly for City use, it could be preempted by other users in the future. A proper franchise agreement would ensure that the City would always have use of a channel to broadcast meetings or other City information and programs.

Another section of the County's lease agreement states that the cable TV provider shall consult with the County regarding its future Institutional Network (I-Net) needs. As a result of this, the cable TV company was able to connect most of the County's buildings with fiber optic lines during their big system upgrade when they were laying fiber lines throughout the valley. The lease agreement requires the County to pay for the bandwidth they use on the company's I-net but the fee is 35% less than the average price for the equivalent bandwidth charged by three land line alternative providers.

Other provisions in the County's lease agreement are standard provisions that are found in most city franchise agreements. These provisions cover such areas as street use and construction, design and construction requirements, construction and technical standards and service extension provisions.

A franchise agreement could serve to formalize the relationship between the City and the current local cable operator. Also, it would provide the City with benefits and services it currently does not enjoy. The negotiation of a franchise agreement would take 8-10 months and would have to be approved by the voters. City staff drafted a franchise agreement that could be used as a starting point for negotiations. This proposed agreement is based on one that was developed by the Greater [Denver] Metro Telecommunications Consortium (GMTC). The GMTC is a board of local government representatives comprised of 28 communities in the greater metropolitan Denver area. It was formed in 1992 to facilitate franchise agreements with local cable television companies. Since this is a very technical and fast changing area of the law the use of outside consulting legal counsel would be recommended in developing the best franchise for City residents.

The following table shows what the typical provisions are in cities' franchise agreements and how they compare to the agreements in place for Mesa County and the City's 1966 revocable permit.

**STANDARD FRANCHISE PROVISION RANGES**

<b>PROVISION</b>	<b>STANDARD RANGE</b>	<b>MINI-MUM</b>	<b>TYPICAL</b>	<b>MAXI-MUM</b>	<b>MESA CO</b>	<b>CITY OF GJ</b>
<b>FRANCHISE FEES</b>	0%-5%	1%	5%	5%	1%	2 ½%
<b>PEG CHANNELS</b>	0-10/10%	1	3	10 total/10% of total channels	1	0
<b>PEG SUPPORT</b>	\$0-1%	\$0	Varies, 50¢ per customer per month	10% of Gross	0	N/A
<b>UPGRADES &amp; REBUILDS</b>	None to full fiber optic rebuild	Nothing	Rebuild	Full fiber optic to close nodes	Required to add channels by 12/31/2001	N/A
<b>I-NET</b>	Nothing to extensive	nothing	Minor local connections	Extensive I-Net	Most CO Bldgs. connected w/fiber, 35% discount for bandwidth	N/A
<b>SERVICE STANDARDS</b>	None to major	None	Extensive	Extensive	comply w/FCC Regs.	N/A
<b>TERM</b>	5-25 Years	5 Years	10-15 Years	25 Years	15 Years	N/A