

**MINUTES OF THE COMMON COUNCIL
WORK SESSION
June 19, 2012
Council Chambers – Rouss City Hall**

PRESENT: President Jeff Buettner; Councilor Evan Clark, John Hill, John Tagnesi and Ben Weber; Vice-Mayor Milt McInturff; Mayor Elizabeth Minor; Vice-President John Willingham (8)
ABSENT: Councilor Les Veach (1)

President Buettner called the meeting to order at 6:01 p.m.

Items for Discussion:

Presentation: Downtown Focus Group

Karen Helm, Director of Old Town, presented a summary of the staff recommendation for the Downtown Action Plan developed from the feedback received at the January 17, 2012 Joint Work Session. She reviewed the tasks to be completed in the next 12 to 24 months. Council will be updated on the process quarterly.

Council directed staff to investigate the use of a trolley for special events in the tasks.

R-2012-43: Resolution – Authorization to apply for \$6,000 in recycling grant funds through the Virginia Department of Environmental Quality

Perry Eisenach, Utilities Director, presented the request to apply for grant funds through the Virginia DEQ in the amount of \$6,000. No matching funds are required but the application must be submitted by June 30, 2012.

Councilor McInturff moved to forward R-2012-43 to Council. *The motion was seconded then approved 8/0.*

Discussion: Proposed Terms for New Water Agreement with Middletown

Mr. Eisenach presented the revised terms for a new water agreement with Middletown. He stated if the terms are agreeable, a final agreement will be drafted and brought back to Council for approval.

Council directed staff to draft the formal agreement to bring back.

R-2012-45: Resolution – Authorize negotiations with vendors relating to the construction of a radio tower to support radio communications – Lynn Miller

Lynn Miller, Emergency Management Coordinator, stated the system is being designed with a 250 foot tower. There were 2 options for the tower in the proposal. One option would be sole ownership of the city and the second option would be to have a third party tower that the city would have capacity on. An alternate option was also presented to have the city own and maintain the tower but create a revenue stream through commercial utilization of the tower.

Anthony Williams, City Attorney, stated the concern with option 2 is that the city would own the land but not the antenna creating franchise issues. If Council wants to pursue this option, he will provide something in writing before the next council meeting. He suggested a way to alleviate the concerns is to lease the tower from a third party.

Councilor Clark moved to forward R-2012-45 to Council with the alternate option. *The motion was seconded by Councilor Weber then approved 8/0.*

R-2012-46: Resolution – Authorize City Manager to initiate discussion with the Winchester School Board and Handley Trust relating to the acquisition of land for the erection of a communication tower

Mr. Miller stated he has have looked at the site on Jefferson street and the need to be conscientious of the surrounding areas. The Handley Trust owns property on two sides of the site. He asked for authorization to have the City Manager speak to the School Board and the Handley Trust about the site. He would also ask Perry Eisenach to look at any underground utilities at the site.

Vice-Mayor McInturff moved to forward R-2012-46 to Council. *The motion was seconded by Mayor Minor then approved 8/0.*

R-2012-47: Resolution – Authorize City Manager to execute a contract with Motorola Solutions for the purchase and installation of a radio communications system

Mr. Miller stated the vendor has extended the pricing through August 14, 2012 and requested authorization for the City Manager to sign the contract.

Mayor Minor moved to forward R-2012-47 to Council. *The motion was seconded by Councilor Weber then approved 8/0.*

Executive Session: MOTION TO CONVENE IN EXECUTIVE SESSION PURSUANT TO §2.2-3711(A)(7) OF THE CODE OF VIRGINIA FOR THE PURPOSE OF RECEIVING LEGAL ADVICE AND STATUS UPDATE FROM THE CITY ATTORNEY AND LEGAL CONSULTATION REGARDING THE SUBJECT OF SPECIFIC LEGAL MATTERS REQUIRING THE PROVISION OF LEGAL

ADVICE BY THE CITY ATTORNEY AND MATTERS OF ACTUAL OR PROBABLE LITIGATION AND PURSUANT TO §2.2-3711(A)(3) FOR THE PURPOSE OF DISCUSSION OR CONSIDERATION OF THE SUBJECT OF THE ACQUISITION AND DISPOSITION OF AN INTEREST IN REAL PROPERTY FOR A PUBLIC PURPOSE WHERE BARGAINING IS INVOLVED, AND WHERE IF MADE PUBLIC, THE BARGAINING POSITION OR FINANCIAL INTEREST OF THE CITY WOULD BE ADVERSELY AFFECTED.

Vice-President Willingham moved to convene into executive session at 7:04 p.m. *The motion was seconded by Mayor Minor then approved 8/0.*

Vice-President Willingham moved to reconvene in open session at 7:31 p.m. *The motion was seconded by Vice-Mayor McInturff then approved 8/0.*

Upon returning, each member certified that only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act were discussed during the closed meeting, and that only those public business matters identified in the motion which convened the closed meeting were heard, discussed, or considered during the closed meeting.

A roll call vote was taken, the ayes and nays being recorded as shown below:

<u>MEMBER</u>	<u>VOTE</u>
President Buettner	Aye
Councilor Clark	Aye
Councilor Hill	Aye
Vice-Mayor McInturff	Aye
Mayor Minor	Aye
Councilor Tagnesi	Aye
Councilor Veach	Absent
Councilor Weber	Aye
Vice-President Willingham	Aye

Report of Liaisons

Councilor Weber stated he attended the Library Board meeting and announced the Centennial Program is going very well. The Library Board discussed a leak in the building between the old and new sections caused by settling of the earth that will need to be repaired. They are in the process of getting a second opinion.

Submitted Written Reports

Police Department

Fire & Rescue Department

Adjourn

Vice-Mayor McInturff moved to adjourn the meeting at 7:32 p.m. *The motion was seconded by Vice-President Willingham then approved 8/0.*

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MOTOROLA SOLUTIONS FOR THE PURCHASE AND INSTALLATION OF A RADIO COMMUNICATIONS SYSTEM

WHEREAS, the City of Winchester issued a Request for Proposal for the purchase and installation of a radio communications system, and

WHEREAS, the city received a response from the Request for Proposal from Motorola Solutions for the design, purchase and installation of a radio communications system, and

WHEREAS, the submittal by Motorola Solutions meets the criteria as specified in the Request for Proposal, and

WHEREAS, Council has appropriated funds necessary for the completion of this project effective July 1, 2012; and

WHEREAS, negotiations have been initiated between representatives of the City of Winchester and Motorola Solutions, and

WHEREAS, the continuation of negotiations relating to various aspects of the project are dependent on the acceptance of a contractual agreement between Motorola Solutions and the City of Winchester, and

NOW THEREFORE, BE IT RESOLVED that the Common Council hereby authorizes the City Manager to execute a contractual agreement and all necessary documents with Motorola Solutions for the design, purchase and installation of a radio communication program effective July 1, 2012; and

BE IT FURTHER RESOLVED that the amount of the contractual agreement shall not exceed \$3,571,005.60 as specified in the proposal received from Motorola Solutions.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 6-19-2012 CUT OFF DATE: 6.13.2012

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE: Authorize the City Manger to execute a contract with Motorola Solutions To purchase and install a radio communications system for the City of Winchester

STAFF RECOMMENDATION: Approve attached Resolution

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: Finance Director, Mary Blowe

INSURANCE: N/A

The initiating Department Director will place below, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The Director's initials for approval or disapproval address only the readiness of the issue for Council consideration. This does not address the Director's recommendation for approval or denial of the issue.

<u>DEPARTMENT</u>	<u>INITIALS FOR APPROVAL</u>	<u>INITIALS FOR DISAPPROVAL</u>	<u>DATE</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. City Attorney	<i>[Signature]</i>	_____	6/14/2012
6. City Manager	<i>[Signature]</i>	_____	6-14-12
7. Clerk of Council	_____	_____	_____

Initiating Department Director's Signature: *[Signature]* Date: 6-13-2012



APPROVED AS TO FORM: *[Signature]* 6/13/2012 CITY ATTORNEY

STAFF REPORT

Title: Radio Communications Project – Site Acquisition for erection of Radio Communications Tower

Scope: Obtain a site in the vicinity of the Jefferson Street Utilities site for the erection of a 250' communications tower to support the City of Winchester's radio communications.

Background: The design of the radio communications program for the City of Winchester specifies the erection of a 250' radio communications tower in the area of the Jefferson Street Utilities Compound. This site was selected as a result of propagation studies relating to radio coverage, elevation and the fact the city has interest in the property reducing and/or eliminating additional capital expenditures and long term lease agreements. The erection of the radio tower must take into consideration the area requirement of the site, access, fall zone and general community safety. The internal area of the Utilities Compound was and continues to be a consideration for tower site but based on area, fall zone considerations and general security an adjacent site immediately north of the compound may prove more suitable.

The parcel immediately north of the compound site is undeveloped land, appropriately zoned for the erection of the communications tower and is owned by the Handley Trust.

Conclusion: Staff is requesting Council approve the attached resolution authorizing the City Manager and/or his designee to initiate discussions with the Winchester School Board, Winchester School Administration and the Handley Trust relating to the acquisition of a parcel of land to accommodate the erection of a radio communication tower of adequate height to provide the coverage specification as specified in the RFP.

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CITY MANAGER OR HIS DISGNEE TO INITIATE DISCUSSIONS WITH THE WINCHESTER SCHOOL BOARD AND HANDLEY TRUST RELATING TO THE ACQUISITION OF LAND FOR THE ERECTION OF A COMMUNICATION TOWER

WHEREAS, the City of Winchester has embarked on a radio communications project to support internal and external radio communications requirements; and

WHEREAS, the design of the proposed communications program is dependent on the establishment of infrastructure including but not limited to a communications tower, base station and subscriber equipment; and

WHEREAS, the radio coverage as specified in the request for proposal is dependent on a single site communications transmit and receive site including a radio communications tower; and

WHEREAS, the proposed site of the radio tower is in the area of the terminus of Jefferson Street; and

WHEREAS, the most compatible site may be on property owned and governed by the Handley Trust; and

WHEREAS, it is desirable to initiate discussions with the Winchester School Board and the Handley Trust relating to the acquisition of a site suitable for the erection of the tower; and

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Winchester, Virginia hereby authorizes the City Manager and/or his designee to initiate discussion with the Winchester School Board and the Handley Trust to acquire a site for the erection of the radio communication tower.

B-2012-46

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 6.19.2012 CUT OFF DATE: 6.13.2012

RESOLUTION X ORDINANCE PUBLIC HEARING

ITEM TITLE: Radio Tower Site Acquisition

STAFF RECOMMENDATION: Approve attached resolution permitting discussion with the Winchester School Board and the Handley Trust to obtain a site for the erection of a radio communication tower at the western terminus of Jefferson Street.

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE:

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4. _____	_____	_____	_____
5. City Attorney	<i>[Signature]</i>	_____	6/13/2012
6. City Manager	<i>[Signature]</i>	_____	6-14-12
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature:	<i>[Signature]</i>	_____	6-13-2012 Date



APPROVED AS TO FORM:

[Signature] 6/13/2012
CITY ATTORNEY

**A RESOLUTION TO AUTHORIZE NEGOTIATIONS WITH VENDORS
RELATING TO THE CONSTRUCTION OF A RADIO TOWER TO
SUPPORT RADIO COMMUNICATIONS**

WHEREAS, the City of Winchester is embarking on the purchase and installation of a radio communications project to support internal and external communications; and

WHEREAS, interoperable radio communications is necessary to promote public safety and efficiency of service during day to day operations; and

WHEREAS, interoperability is a key component to effective operations during major emergencies and/or disasters; and

WHEREAS, the City has been presented with several options pertaining to the erection, operation and maintenance of the communications tower; and

WHEREAS, the City desires to insure the radio coverage is satisfactory for the users and meets the needs of the community; and

WHEREAS, the City is cognizant of cost and desires to meet the needs of the community in a fiscally responsible manner; and

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Winchester, Virginia hereby authorizes negotiations to be conducted for the construction of the communications tower in accordance with Option _____ as presented to Common Council.

STAFF REPORT

TITLE: Radio Communications Tower

BACKGROUND: During the design, RFP process and initial negotiations the radio communications project has been predicated on a single tower site having a tower of 250' to achieve the standard of coverage specified in the RFP and which will be guaranteed by the vendor. The single site approach was conceived based on the ability to achieve 20db in building loss when utilizing portable radios 95% of the time over 95% of the city. Additionally the vendor realized and understood the fiscal restraints of the city and made this a primary consideration.

The response to the RFP provided two options relating to the construction of the communications tower. They are:

- **Option 1** - The city contracts with a vendor to construct a 250' tower that will support city radio communications at an initial cost of \$402,489.00. After construction and acceptance of the tower the city will be the sole owner and will be responsible for annual maintenance inspections, repairs, normal maintenance and liability. The proposed tower included in this option will support city radio communications but will not structurally support the installation of additional antennas such as those utilized for wireless phone service.
- **Option 2** - The city contracts with a vendor to construct a 250' tower that will fully support city radio communications with a capacity for city growth and may be utilized by the construction/tower company to install commercial communications antennas from which they may develop a revenue stream. In return for the use of the land the city will be permitted to place communications antennas on the tower at little or no cost and will receive a deduction to the overall proposed project cost of \$353,913.00.
- **Alternate** - An alternate that has not been presented but could be requested is a proposal whereby the 250' tower would be erected and the city will have ownership and could promote commercial utilization creating a revenue stream. Implementing this alternative would make the city responsible for the management, maintenance, insurance, upkeep, inspections and liability associated with the tower as well as creating the potential for the marketing and

creation of a revenue stream. The estimated annual cost to maintain the tower is estimated at \$2,000 for routine maintenance but does not include insurance premiums. Based on information from a tower company they would market the site and charge the city 25% on any revenues generated. They would be responsible for marketing, inspecting, completion of carrier contracts and cost associated with the operations of the tower. The City would be responsible for expenses associated with insurance, tower maintenance and FAA lighting as required. It should be stressed that this is a rough estimate and many elements may impact the associated cost. A projected revenue stream is estimated at \$22,000 - \$28,000 per year in initial rent with an anticipated increase of 3% per year. Projections are 1 carrier in the initial 12 month period and a 2nd in year five.

Each of the options presents positives and negatives that must be considered as the project moves forward. Generally speaking they are:

- **Option 1** would provide a tower that would structurally support the city's radio communications with some room for city communications growth. This option satisfies the communications needs of the city and places the responsibility for maintenance, repair, upkeep, inspections and liability solely with the city with no potential for revenue production. The city may have the option to sell the tower at a later date but without the structural capability to support commercial options the sale would most likely be difficult.
- **Option 2** provides the city with a radio communications tower whereby the city has space on the tower at little or no cost in exchange for the utilizing the parcel of land and allowing the construction of the tower. The city does not have ownership of the tower and is not responsible for maintenance, inspections, upkeep and liability and will receive a reduction in the overall project cost of \$353,913.00. Should the construction/tower company desire to lease space on the tower for commercial endeavors each installation will be subject to compliance with the city's zoning ordinance, review and approval/recommendation by the Planning Commission and final review and approval by City Council.

- **Alternate** – On the surface the alternate may have some attraction but the marketing and liability coupled with the maintenance cost may create inherent obstacles. Maintenance will become a significant factor as the tower ages and if it is not maintained the marketability of space on the tower may be restricted.

SUMMARY: The project and negotiations hinge on the keystone of the communications tower. In order to progress with the project negotiations must begin in earnest in relationship to the tower. Both options will meet the needs of the city's communications system utilizing different formats. One option provides coverage and an immediate financial return while the other option insures radio communications in accordance with the design while having no immediate or long term financial return.

STAFF RECOMMENDATION: Staff is of the opinion that the most prudent and cost effective approach is to pursue specific negotiations with the construction/tower company offering to erect the tower and provide space on the tower for the city's communications needs at little to no cost to the city while they retain ownership of the tower and assume responsibility for the maintenance, upkeep and liability of the structure. Staff recognizes that Council has expressed the desire to review and consider all options associated with the communications project and respects all comments and suggestions Staff is prepared to pursue direction as identified by Council. Staff has prepared a resolution for Council's consideration that is in concert with staff recommendation whereby the tower company will retain ownership of the tower and all responsibilities associated with such.

CITY OF WINCHESTER, VIRGINIA

PROPOSED CITY COUNCIL AGENDA ITEM

CITY COUNCIL/COMMITTEE MEETING OF: 6/9.2012_ **CUT OFF DATE:** 6.13.2012

RESOLUTION X **ORDINANCE** **PUBLIC HEARING**

ITEM TITLE: Radio Tower, Vendor Negotiations

STAFF RECOMMENDATION: See Attached

PUBLIC NOTICE AND HEARING: N/A

ADVISORY BOARD RECOMMENDATION: N/A

FUNDING DATA: N/A

INSURANCE:

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4. _____	_____	_____	_____
5. City Attorney	<i>AW</i>	_____	<i>6/13/2012</i>
6. City Manager	<i>DI</i>	_____	<i>6-14-12</i>
7. Clerk of Council	_____	_____	_____
Initiating Department Director's Signature: <i>[Signature]</i>	_____	_____	<i>6-12-2012</i> Date



APPROVED AS TO FORM:

[Signature] *6/13/2012*
CITY ATTORNEY