

From: "Patrick Boyd" <pboyd@medina-wa.gov>
Date: Monday, January 11, 2010 2:10 PM
To: "Donna Hanson" <dhanson@medina-wa.gov>
Cc: "STEVE VICTOR" <STEVE@kenyondisend.com>; "Robert Grumbach" <rgrumbach@medina-wa.gov>
Subject: RE: FW: Wireless

Wow. First meeting hasn't even happened yet, and I'm already causing problems. This exceeds even my expectations. (c: See you all tonight,

- pb

From: Donna Hanson
Sent: Mon 1/11/2010 2:05 PM
To: City Council Mail
Cc: STEVE VICTOR; Robert Grumbach
Subject: FW: FW: Wireless

I am forwarding Pat's e-mail to all Council members for your information and advising you not to respond until the open public meeting tonight per the City Attorney's e-mail below.

-----Original Message-----

From: STEVE VICTOR [<mailto:STEVE@kenyondisend.com>]
Sent: Monday, January 11, 2010 12:58 PM
To: Donna Hanson
Subject: Re: FW: Wireless

Donna,

There is always a certain amount of risk associated with Council Members e-mailing a majority of, or all of the other Council Members because it creates the opportunity to respond and invites discussion that **must properly occur at an open public meeting**. Nevertheless, as a practical matter, it is understandable that Council Members want a way to advise other Council Members of topics that they intend to bring up in the open meeting. If e-mails, like the one below **clearly request that the other Council Members should not respond to the email**, but respond on at the public meeting, then the communication becomes like sending out an advanced agenda, the OPMA is not implicated or violated.

>>> "Donna Hanson" <dhanson@medina-wa.gov> 1/11/2010 11:34 AM >>>
 Steve, can you provide guidance?

From: Patrick Boyd
Sent: Saturday, January 09, 2010 4:37 PM
To: Donna Hanson
Subject: Wireless

Donna,

So how does this work, an email I want to go to all councilmembers goes to you first and you distribute? That's my intent, can you make it happen?

Thanks,

- pb

Fellow Councilmembers,

So, in my reading about how to behave as a new city councilmember, the advice "don't surprise your fellow councilmembers at meetings" came up multiple times. So in that spirit, I thought I'd send an email with my thoughts and plans on the topic of wireless communication.

As many of you know, I've had a little bee in my bonnet over City wireless communications for some time now. At first, it was just the reliability and distribution of the coverage and how much it frustrates citizens. But my business life over the past few years has caused me to gain a little experience and a few contacts that cause me to feel strongly about other opportunities for the city. Given Donna's report in this month's packet (pages 151-153) I think the time is perfect for some action.

Donna's identified two opportunities; first, implementing a DAS system to improve coverage in Medina for citizens, police and emergency communications. Second, the existing equipment in the 520 corridor will have to be relocated out of the WSDOT right-of-way. I think both of these things could be huge for our city, because they both represent revenue potential on an ongoing basis.

I am at this time unsure how much revenue the local DAS system can

= DAS is about better coverage for Medina residents; SR-520 is about revenue.

Code says lease revenue should not be a factor in cell-tower siting decisions

generate for us. But you can be assured that if American Tower Corp (ATC) wants to put one in, it is only because it will be a moneymaker for them, not because they like us and want us to have good service. It's likely that carriers will pay nice monthly sums to have access to our citizens and their wallets. It seems reasonable that the city participates in this.

The other opportunity, relocating existing equipment out of the 520 right of way, has the potential to be huge. I mean six figures per year huge. Since, as we all know, opportunities for new income are rare in our town, I think we have to look at this, and look at it intelligently.

x

My thoughts right now are that we ultimately would be well served to bring on a consultant to represent the city's interests. Someone who understands the industry intimately and can represent our interests in maximizing both the depth and quality of the coverage in our city, as well as knowing what fair market value is of the revenue available to us. There exists folks out there who do this type of consulting, either on a fee for service basis, or on a success-fee/revshare basis. These people exist, I know we can find them.

I would like to propose at Monday's meeting that we spend one month evaluating the landscape and developing a plan of attack. We should confirm the opportunities, evaluate any competition we might face (i.e. WSDOT) and see who the available consultants are, and then see how the city could best participate. As I have some contacts and experience in this space, I am totally willing to work with the appropriate City Staff to develop a report for presentation at next month's meeting.

Regards,

- pb

Patrick Boyd

rookie

Steve Victor
Kenyon Disend, PLLC
The Municipal Law Firm
11 Front Street South
Issaquah, WA 98027-3820

Tel: (425) 392-7090 ext. 154
Fax: (425) 392-7071
steve@kenyondisend.com
www.kenyondisend.com

From: [Patrick Boyd](#)
To: [Donna Hanson](#)
Cc: [Steve Victor](#); [Robert Grumbach](#)
Subject: Wireless
Date: Monday, February 01, 2010 10:28:13 PM

How are we looking for presenting a plan to council on the 8th to approach the two potential wireless projects? I'm assuming we'll need to meet again before the council meeting? **Did you folks have any luck contacting Jeff Langdon, the consultant I gave you?**

thanks,

- pb

Patrick Boyd

Subject: RE: Wireless

Donna,

Thanks for your reply. I very much want us to have a solid response to council on the 8th. If we can keep hounding Jeff Langdon and get in a position to form an opinion about the role of consultants in this context it will be helpful. I still firmly believe that since none of us understand the playing field we're in (wireless) and its attendant revenue potential, we at least need to interview one consultant to see if it's worth pursuing. Jeff's spoken to me once since we met and I told him that he now needed to talk to City Staff as his first point of contact. If you'd rather that not be the case, let me know. Before hanging up, he said he'd respoen to one his DAS companies and they are very interested in not only launching a system in Medina, but doing a revshare with the city on a per carrier basis. It won't make us rich but could easily deliver tens of thousands of annual revenue. Details await, if you folks can dog him enough to have a conversation. If he continues to not return calls, let me know and I'll ask him what's up.

Thanks for your time, I know you are all busy with lots of tasks pulling you many different directions. But we do need to quickly learn whether we have a window of opportunity here or not.

Regards,

- pb

-----Original Message-----

From: Donna Hanson
Sent: Tue 2/2/2010 3:07 PM
To: Patrick Boyd
Cc: Steve Victor; Robert Grumbach
Subject: RE: Wireless

Pat, We have been doing a bit of research and more strategizing. Steve has a message into Jeff Langdon. I have a message into the City of Sammamish to find out more about their consultant and study. And I talked with two people from the City of Lake Oswego. Lake Oswego has a DAS system and a franchise, but they did not have to change their code and did not have a consultant. They are sending me a copy of their franchise agreement. Robert is working on an agenda bill for the 8th which will layout our goals and ask for council direction for either, a broad study on current and future wireless coverage issues in the city, or a more narrow focus on the current DAS proposal. The 520 proposal may be delayed by the carriers and it looks like they could come into the park under our current legislation. If you still want to meet, Steve will be coming for the retreat tomorrow afternoon and I can see if he can come early. Donna

-----Original Message-----

From: Patrick Boyd
Sent: Monday, February 01, 2010 10:27 PM
To: Donna Hanson
Cc: Steve Victor; Robert Grumbach
Subject: Wireless

How are we looking for presenting a plan to council on the 8th to approach the two potential wireless projects? I'm assuming we'll need to meet again before the council meeting? Did you folks have any luck contacting Jeff Langdon, the consultant I gave you?

thanks,

- pb

Patrick Boyd

-----Original Message-----

From: Patrick Boyd
Sent: Friday, February 05, 2010 8:03 AM
To: Donna Hanson
Cc: Steve Victor; Robert Grumbach
Subject: RE: Wireless

Thanks Donna, that's great news about the Denver guy; that gives us another point of information.

You are right, my interest for the city is, "Is there a significant revenue opportunity in this for the city?" The reason I think it's important is that if the answer is "no", then I don't think we need any consulting help, because then we can take the vendors at their word. We then just work with them to provide better coverage for the city and residents.

But if there are revenue implications, then I think we want someone smart in this business representing our interests. I would love it if that wasn't a consultant because we all hate consultants. Maybe Kenyon Disend accesses some industry-specific legal talent and handles it with them for us. I could see how that could work. I don't particularly care. But it is my opinion that an ATC, or Allstate or whomever puts in the infrastructure, is in business because they are good at writing agreements that favor them, not us. And if we're going to write a long term lease or franchise agreement, we want it to benefit us as much as possible.

So, my idea is that we present to council a way to learn about and quantify revenue opportunities. And, with the DAS project, it has the huge additional benefit of improving coverage for all of us in the city.

Make sense?

- pb

Donna asks, Is this about revenue? Pat answers, Yes. Attorneys and staff do not advise that prior Council had made clear that revenue was not supposed to be a consideration - least-intrusive (and need for a wireless facility) are the only considerations. Also do not advise that Park is not zoned for wireless.

-----Original Message-----

From: Donna Hanson
Sent: Thu 2/4/2010 3:49 PM
To: Patrick Boyd
Cc: Steve Victor; Robert Grumbach
Subject: RE: Wireless

Pat, We also talked with a consultant out of Denver that does this kind of work and had given us a draft proposal. He called me last week and offered to talk with us again. If you are looking for revenue figures, he might be able to provide that to us before Monday. I haven't received the franchise agreement for the DAS system from Lake Oswego yet, but that will have the rate included. Just to make sure we understand the information you want when we talk to these people, could you articulate your specific request? We think it is about revenue, but want to make sure. Donna

-----Original Message-----

From: Patrick Boyd
Sent: Thursday, February 04, 2010 2:07 PM
To: Donna Hanson
Cc: Steve Victor; Robert Grumbach; Bret Jordan; Shawn Whitney

From: [Donna Hanson](#)
To: [STEVE VICTOR](#); [Robert Grumbach](#); [Rachel Baker](#)
Subject: Wireless Consultants receiving RFQ
Date: Monday, February 22, 2010 4:41:10 PM
Attachments: [Wireless Consultants receiving RFQ.docx](#)

This is the list I have so far for wireless consultants. I e-mailed the RFQ to each of them. I hope we can add to this list.

Wireless Consultants receiving RFQ's

Mark Fiebig

mark@brightonrea.com

425-455-6777

Brian Nordlund

[Brian.nordlund@gmail](mailto:Brian.nordlund@gmail.com)

503-813-5845

Jeffrey Langdon

Immobili
155 108th Ave NE, Suite 400
Bellevue, WA 98004
425-691-7976
jeff.langdon@immobilisite.com

Bob Duchon
bduchen@rivoaks.com
3093-721-0653

6860 South Yosemite Court, Suite 2000

Centennial, Colorado 80112

Mayor Jordan's company

Boyd's preferred Langdon

Langdon is business partners with Stevens and Gosnell, who own Independent Towers, and the cell-tower engineering firm, Infinigy.

IT now owned by Vertical Bridge

From: [STEVE VICTOR](#)
To: [Kenyon Dismend](#); [Robert Baker](#); [Robert Grumbach](#)
Subject: Wireless Consultants
Date: Monday, February 22, 2010 4:50:49 PM

Team,

Here are the competitors that Jeff Langdon (Immobilis) recommended. I haven't had time to check them out.

Steve Gosnell
103 Weatherstone Parkway
Marietta, GA 30068
(678) 444-4463 (Work Voice)
(770) 331-7524 (Voice Cell)
sgosnell@infinigy.com

Thomas Holland
Pacific Telecom Services, LLC
568 First Avenue South, Suite 650
Seattle, WA 98104
(206) 342-6392 (Work Voice)
(206) 954-8658 (Voice Cell)
tholland@pswa.com

Steve Victor
Kenyon Dismend, PLLC
The Municipal Law Firm
11 Front Street South
Bespoke, WA 98027-3820
Tel: (425) 392-7090 ext. 154
Fax: (425) 392-7071
steve@kenyondismend.com
www.kenyondismend.com

Jeff Langdon (Aisle Interactive, Tarpon) recommends as his "competitors" his Aisle Interactive co-founder, Steve Gosnell (Gosnell is also Independent Towers and Infinigy), and Thomas Holland.

Boyd --> consulting contract to Langdon, who acted as the City's consultant and added Holland to his team. Langdon --> wireless lease to Independent Towers (owned by Langdon's business partners, Gosnell & Stevens)