

CELL TOWER ADVISORY COMMITTEE (C-TAC)

Meeting Minutes

October 29, 2013

I. Call to order

Anthony-Paul (AP) Diaz (Chair), called to order the sixth regular meeting of the C-TAC at 7:00 p.m. on October 29, 2013 at the San Marino Unified School District Office located at 1665 West Drive, San Marino, California 91108.

II. Roll call

No formal roll call was conducted. However, the following members were present:

AP Diaz, Ann Eittinger, Andrew Ko, Stacy Lewis, Miriam Nakamura-Quan, Strefan Fauble, Ming Jiang, Kevin Chan, and Doug Wilson.

Also in attendance were Superintendent Loren Kleinrock, Board Member Chris Norgaard, and District counsel, Dean Pappas of Goodwin Procter LLP.

III. Minutes

The meeting minutes from the last meeting on 10/29/2013 were approved with noted change(s).

IV. District Updates

Superintendent Loren Kleinrock updated the committee on the actions requested at the last meeting. A letter was sent to Verizon requesting a higher-level meeting with external affairs. There has not been any response from Verizon. The school board has authorized the district to send out an email blast to the parents of the district notifying them of the Conditional Use Permit (CUP) hearing.

V. Outside Counsel Updates By Dean Pappas, Esq.

Mr. Pappas updated the committee on the status of the Verizon and Global Tower carriers' defaults. Both carriers are working to remedy the defaults.

He wrote a letter opposing the postponement of the Verizon CUP hearing. He had a conversation with San Marino City Manager, John Schaefer, about the hearing. They are considering asking Global Tower for a CUP for the tower at

the High School since it is not for school use. He'll follow up and ask if they will require a CUP at the high school.

The Division of the State Architect (DSA) originally claimed that Verizon didn't need their approval. However, if the tower is in a fall zone they need to approve it. Doug Humphrey, of the DSA, doesn't believe he has jurisdiction. If the tower represents a safety hazard he stated the DSA would look into it.

The school district can request a review and they could reject the tower based on safety concerns. They will only review the Middle School tower if either Verizon or the school district requests it. Dean Pappas noted that the district could request the review without acting in bad faith.

Mr. Pappas reported that letters had been drafted to both carriers reminding them of the May 29th Default Notices.

Verizon Response

Verizon is in the process of curing the default by applying to the City of San Marino for a Conditional Use Permit (CUP) "under protest." The application was filed on June 20, 2013. Verizon has also retained an inspector for the Division of State Architect (DSA) application.

The CUP hearing, which had been scheduled for September 25, has been postponed by the City's Planning Department. The City has asked for more time to review inspection reports and a compile a full report before considering the item. Both the city and Verizon agreed to the extension. A new date for a CUP is expected to be scheduled by December in the San Marino Library's Barth Community Room.

Regardless of the extension, Verizon remains in default and they were advised of such, and their continued need to correct the lease's defaults.

VI. Discussion of Next Steps

Stefan led a discussion covering various suggestions for what are the next steps in this process.

1. The school district can request the DSA review the Verizon tower because it's built within a school fall zone.
2. Community groups can push back on the City to deny the CUP.

3. The district can diligently pressure Verizon to respond and cure their default advising them that it does not believe Verizon is responding quickly enough.
4. Request a meeting with Verizon's external affairs with district and C-TAC members.

Miriam Nakamura-Quan initiated a discussion about the ability of Verizon to co-locate other carriers equipment on their tower. The Job Creation Act states that a telecom can't be denied the ability to co-locate. Mr. Pappas stated that Verizon derives it's authorization to co-locate through the lease and has to seek approval from the district.

Miriam brought up that a change to the evacuation plan needs to be made to direct students away from the cell tower fall-zone. Ann Eittinger wanted to know if the tower branches have been tested after the windstorm to make sure they won't fall off during the next storm.

Andrew Ko pointed out that we are charged with getting rid of the towers and we should focus our actions to protect the children. We need to determine what will be the most effective strategies and focus on them.

VII. Committee Recommendations

- a. The committee unanimously voted to have the school board ask the district to request the DSA inspect the Verizon tower at the Middle School.
- b. The committee unanimously voted to ask the district to continue efforts to re-engage formal talks with Verizon and that the district and/or a representative of C-TAC engage carriers even while legal discussions are on going.
- c. The committee unanimously voted to request the school board to instruct counsel to continue writing letters to pressure Verizon to correct their default in a timely manner.

VII. Adjournment

The meeting was adjourned at approximately 8:30 p.m. The next meeting is scheduled for December 3, 2013, at 7:00 p.m.

Minutes submitted by: Doug Wilson

Minutes approved by: C-TAC Committee on _____