

CELL TOWER ADVISORY COMMITTEE (C-TAC)

Meeting Minutes

January 21, 2014

I. Call to order

Anthony-Paul (AP) Diaz (Chair), called to order the sixth regular meeting of the C-TAC at 7:30 p.m. on January 21, 2014 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, Miriam Nakamura-Quan, Strefan Fauble, Ming Jiang, Kevin Chan, Zillah Tobiano, 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. The school board has authorized the district to send out email blasts 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 noted there has been a lot of activity in the past week. Follow up letters were sent to both carriers reminding them that they are in default and need to move the process forward.

On December 10th, 2013 Global Tower was notified they needed to acquire a Conditional Use Permit (CUP). American Tower now owns the tower located at the High School and has received a letter from the city regarding the need for a CUP. American Tower plans on upgrading the equipment on the tower and has the rights to add more tenants. Modification of the CUP would be needed, but they need the original CUP, which the city has formally required.

Earlier today Mr. Pappas received a voicemail from Verizon's lawyer after he met with the city about the CUP. According to Verizon's lawyer they have hired an inspector and visually reviewed the tower and blueprints. They prepared a 60 to 70-page report and submitted it to the city. The city rejected the report and wants the report from the inspectors who inspected the tower during construction.

Verizon is also going to submit to the city to get approval to move the tower six feet and rebuild it. They plan on moving forward trying to get the CUP and with plans to move it out of the fall zone. Under the terms of the lease it's permissible for them to move the tower. The district would need to approve relocating the tower.

Verizon is going for a dual pronged approach by applying for current and new locations. The attorney pointed out Verizon is trying to expedite the process. Mr. Pappas commented they are now offering to move it, because they realize they will likely be required to move the tower.

The district had a cordial meeting with Verizon's External Affairs representative Mike Murray and requested meeting with a higher-level executive. It seems unlikely such a meeting will take place now that the process is being controlled by the city.

Chris Norgaard reported that Verizon now wants to hold a community meeting. Earlier they were against holding the meeting. They don't seem to be in any hurry to move the process forward.

Miriam Nakamura-Quan brought up that Verizon needs to create a site analysis report to confirm this is the best location for the tower. They presented a map to the city that shows their current coverage. When she spoke to the city they told her Verizon has not fulfilled their obligation with the documents currently submitted.

Superintendent Kleinrock spoke to the city manager and mentioned that the district would like to see the process moved forward.

American Tower is open to moving the tower, but the process is complicated because it is sub-leased to three carriers. The high school tower does have the inspection reports and applying for approval from the Division of the State Architect (DSA).

VI. Discussion of Next Steps

The committee discussed various suggestions for what are the next steps in the process.

1. Request the district send out a notification and reminder email blast notifying parents about the CUP hearing once it has been set.
2. The district can diligently pressure Verizon to respond and cure their default advising them that Verizon is not responding quickly enough.
3. Continue to request a meeting with Verizon's external affairs with district and C-TAC members.

VII. Committee Recommendations

- a. 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.
- b. The committee unanimously voted to request the district send out a CUP hearing notification and a reminder blast when those items are scheduled.

VII. Adjournment

The meeting was adjourned at approximately 8:30 p.m. The next meeting will be set once developments in the process warrant it.

Minutes submitted by: Doug Wilson

Minutes approved by: C-TAC Committee on _____