



**BURLINGAME CITY COUNCIL  
Unapproved Minutes  
Regular Meeting on January 22, 2019**

**1. CALL TO ORDER**

A duly noticed regular meeting of the Burlingame City Council was held on the above date in the City Hall Council Chambers.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

The pledge of allegiance was led by Alexandra Kromelow.

**3. ROLL CALL**

**MEMBERS PRESENT:** Beach, Brownrigg, Colson, Keighran, Ortiz

**MEMBERS ABSENT:** None

**4. STUDY SESSION**

**a. REVIEW OF PENSION LIABILITIES BY DOUG PRYOR, VICE PRESIDENT OF BARTEL ASSOCIATES, LLC**

Bartel Associates, LLC Vice President Doug Pryor gave a presentation to the City Council on the City's pension liabilities. Mr. Pryor showed a graph that depicted the annual return on investments for CalPERS over a 20-year period. He noted that because the annual return line spikes and dips, it is not easy to determine the average. Therefore, another line was inserted on the graph to depict the ten-year rolling average. He explained that the ten-year rolling average line shows that the returns have been below the discount rate assumed by CalPERS.

Mr. Pryor explained that the City has two groups in CalPERS: miscellaneous and safety. Miscellaneous has two tiers: 1) 2.5% at 55 years, and 2) 2% at 62 years. Safety also has two tiers: 1) 3% at 50 years, and 2) 2.7% at 57 years.

Mr. Pryor stated that over the next five years, the discount rate will be decreased from 7.5% to 7%. He noted that this would be done gradually but that each decrease would not be fully realized for five years. For

example, the decrease of the discount rate to 7.35% is initially realized in FY 2018/19, but it isn't fully realized until FY 2022/23.

Councilmember Brownrigg asked what the mortality improvement assumption is. Mr. Pryor stated that it is about one to three years.

Councilmember Brownrigg thought this was underestimating future gains on mortality improvement.

Mr. Pryor discussed CalPERS' risk mitigation strategy. He stated that after reviewing the portfolio, CalPERS realized they were paying out more in benefits than they were collecting in contributions. He explained that the CalPERS system is mature and is moving towards more conservative investments. He gave the example of how you invest in your youth versus when you are older. He explained that under the new strategy, when returns are better than expected, CalPERS will lower the discount rate. Therefore, he predicted the discount rate to get to 6% in the next 20-year period because CalPERS will become less aggressive with their investment portfolio.

Mr. Pryor discussed the City's miscellaneous plan. He noted that in the most recent evaluation, there are 179 active employees and 269 retirees in the program.

Councilmember Brownrigg stated that what surprised him about the demographics of the miscellaneous plan was the rise in the number of retirees per worker. He asked if the growth would plateau, or would the number of retirees continue to dramatically increase. Mr. Pryor stated that he believed the City was close to plateauing.

Mr. Pryor reviewed the funded status of the miscellaneous plan. He noted that as of June 30, 2017, the City had \$37 million in unfunded liability for miscellaneous, and that 74% of the plan was funded. He explained that if the discount rate decreased to 7%, unfunded liability would increase to \$41 million, and if the discount rate decreased to 6%, unfunded liability would increase to \$60 million.

Mr. Pryor reviewed the historical funded ratio for the miscellaneous plan. He explained that at the height of the plan in the late 90s, it was well funded, but in FY 2008-2009, the funded status dropped down to 65%, and it hasn't really improved.

Mayor Colson stated that the funded status also changes over time based on the benefits given. Mr. Pryor replied in the affirmative.

Mayor Colson discussed how the City's funded status changed when the City sold pension obligation bonds and put those into the portfolio. She explained that the funded status of pension plans fluctuates for a variety of reasons, and it isn't solely the result of return on investments. Mr. Pryor replied in the affirmative.

Mr. Pryor reviewed contribution projections for the miscellaneous plan. He explained that they expect rates to be about 38.5% of payroll in fiscal year 2029-30. However, if things go well, it could be 26.3% of

payroll; if things go poorly, it could be 49.8% of payroll. He noted that in dollar amounts the expected rate for FY 2029-30 is \$5.6 million, good is \$2.59 million, and poorly is \$8.18 million.

Mr. Pryor next discussed the safety plan. He stated that as of 2017, there are 38 active employees and 75 retired. He stated that the unfunded liability is about \$27 million and that when the discount rate drops to 6%, the unfunded liability will be about \$41.5 million.

Mr. Pryor reviewed contribution projections for the safety plan. He explained that they expect rates to be about 82.7% of payroll in fiscal year 2029-30. However, if things go well, it could be 58% of payroll; if things go poorly, it could be 105.55% of payroll. He noted that in dollar amounts, the expected rate for FY 2029-30 is \$4.1 million, good is \$1.59 million, and poorly is \$5.7 million.

Mr. Pryor explained that the City has set aside about \$8.1 million in the Section 115 Trust. He reviewed a slide that depicted what would happen if the City made an extra contribution to CalPERS instead of creating the Section 115 Trust. He explained that making an extra one-time contribution would still result in a “peak” to required contributions. However, with the Section 115 Trust, the City will be able to avoid the peak. This is because once contributions go above 37.5% for miscellaneous and 76.9% for safety, the City can utilize the Section 115 Trust to avoid increased contribution requirements.

Vice Mayor Beach asked if she was correct that if the City made a one-time contribution to CalPERS, would that give the City more cash flow but also result in a peak of contribution rates. Whereas, if the City maintains the Section 115 Trust, the City will get a good return on investment and avoid the peak. Mr. Pryor replied that the City will earn less in the Section 115 Trust, but from a budget standpoint, it’s better to control the peak.

Mayor Colson stated that there is also risk around choosing a one-time contribution to CalPERS. This is because you aren’t dollar cost averaging over time. Instead, you are putting the funds into the market, and if the market declines, CalPERS will recalculate your contribution rate. Therefore, it might erase the one-time contribution.

Councilmember Keighran asked if she was correct that there is a heavy penalty if the City chooses to terminate their plan with CalPERS. Mr. Pryor replied in the affirmative. He explained that CalPERS takes the position that if a jurisdiction terminates their contract with CalPERS, they can never come back to collect another dime. As a result, CalPERS can’t afford to invest the way they have been investing, so they will invest the funds in high quality bonds to ensure they can pay everyone out. This means the discount rate drops.

Councilmember Brownrigg stated that he appreciated the presentation. However, in the future he would like to see actionable data. He explained that he wanted to know how much the City has to put away and how to do it. Additionally, he added that he found it more informative to put the data in dollar figures over percentages.

Mayor Colson discussed the importance of educating City employees and residents to understand what the pension liability is and what the City is doing to manage it. She noted that when she talks to union representatives, she always stresses that pensions are guaranteed but jobs aren't. Therefore, pensions can cannibalize an active workforce.

Councilmember Ortiz stated that right now when the times are good, the City needs to do what it can to pay down the pension liability because the economy will go down. He noted that the problem is daunting but that the City is in good shape to manage this problem.

Vice Mayor Beach asked what CalPERS' actual rate of return is. Mr. Pryor stated that he didn't have the numbers for this year, but he knows that it isn't looking good. He noted that the ten-year average (which includes FY 2008-09) is 5.8%.

Mayor Colson discussed the State's decision to change the amortization from 30 years to 20 years. She noted that she doesn't understand the State's rationale for this change and that it has been incredibly difficult for the schools to manage. She explained that if an individual pays off their mortgage in 15 years versus 30 years, they would pay it off quicker, but would pay a lot more per month. However, unlike a mortgage, these are not closed plans. She stated the City is always going to have a workforce with 30 years of work ahead of them to continue to pay for the plan.

Mayor Colson noted that as interest rates change and market rates change, the plan becomes dynamic, and to look at this today doesn't mean it will be the same conversation in the future.

Mayor Colson stated that CalPERS is moving to more conservative investments. She asked if it is a more conservative asset allocation or are they taking risk off the table at the money management level. Mr. Pryor stated that it is the asset allocation.

Mayor Colson discussed the conversation of whether jurisdictions need to be 100% funded. She noted that the City is an ongoing continuing entity. She stated that the funded status doesn't matter; it is whether the City can keep up with the necessary contribution scheme.

Councilmember Brownrigg asked for more information about the next ten-year dollar contributions that the City is looking at building to hit the 50% targets. This is so that when the City is looking at whether to expand the capital budget, there is a sense of what the pension budget is.

Mayor Colson opened the item up for public comment. No one spoke.

## **5. UPCOMING EVENTS**

Mayor Colson reviewed the upcoming events taking place in the city.

## **6. PRESENTATIONS**

There were no presentations.

7. **PUBLIC COMMENT**

There were no public comments.

8. **CONSENT CALENDAR**

Mayor Colson asked the Councilmembers and the public if they wished to remove any item from the Consent Calendar.

Councilmember Keighran made a motion to approve the Consent Calendar; seconded by Councilmember Ortiz. The motion passed unanimously by voice vote, 5-0.

a. **ADOPTION OF CITY COUNCIL MEETING MINUTES FOR JANUARY 7, 2019**

City Clerk Hassel-Shearer requested Council adopt the City Council Meeting Minutes for January 7, 2019.

b. **ADOPTION OF A RESOLUTION APPROVING A REVOCABLE LICENSE AGREEMENT WITH WEIMAN SYNDICATE FOR PROVISIONS RELATED TO PEDESTRIAN ACCESS BETWEEN 1490 BURLINGAME AVENUE AND 1477 CHAPIN AVENUE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT**

DPW Murtuza requested Council adopt Resolution Number 010-2019.

c. **ADOPTION OF A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE TEAMSTERS LOCAL 856, AUTHORIZING THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY, AND APPROVING THE CITY OF BURLINGAME PAY RATES AND RANGES**

HR Director Morrison requested Council adopt Resolution Number 011-2019.

d. **ADOPTION OF AN ORDINANCE DELETING SECTION 9.08.040 OF THE BURLINGAME MUNICIPAL CODE REGARDING BEES**

City Attorney Kane requested Council adopt Ordinance Number 1958.

9. **PUBLIC HEARINGS**

a. **CITY COUNCIL CONSIDERATIO OF AN APPEAL OF THE PLANNING COMMISSION'S JUNE 11, 2018 ACTION DENYING WITHOUT PREJUDICE AN APPLICATION FOR A CONDITIONAL USE PERMIT TO INSTALL A NEW WIRELESS FACILITY (ANTENNA**

**AND EQUIPMENT) ON AN EXISTING WOOD UTILITY POLE LOCATED WITHIN THE RIGHT-OF-WAY ADJACENT TO 1800 HILLSIDE DRIVE (CONTINUED FROM SEPTEMBER 4, 2018 CITY COUNCIL MEETING)**

**CITY COUNCIL CONSIDERATION OF AN APPEAL OF THE PLANNING COMMISSION'S JUNE 11, 2018 ACTION DENYING WITHOUT PREJUDICE AN APPLICATION FOR A CONDITIONAL USE PERMIT TO INSTALL A NEW WIRELESS FACILITY (ANTENNA AND EQUIPMENT) ON AN EXISTING WOOD UTILITY POLE LOCATED WITHIN THE RIGHT-OF-WAY ADJACENT TO 701 WINCHESTER DRIVE (EXISTING UTILITY POLE IS LOCATED ALONG OAK GROVE AVENUE) AND CONSIDERATION OF AN ALTERNATIVE SITE LOCATED WITHIN THE RIGHT-OF-WAY ACROSS THE STREET FROM 704 WINCHESTER DRIVE (EXISTING UTILITY POLE IS LOCATED ALONG OAK GROVE AVENUE) (CONTINUED FROM SEPTEMBER 4, 2018 CITY COUNCIL MEETING)**

City Attorney Kane introduced two experts that have assisted staff on this matter. The first was Gail Karish, who is a nationally recognized attorney in this field and represents a number of agencies. She noted that Ms. Karish is also co-counsel on the national litigation involving FCC's recent order. The second was Lee Afflerbach from CTC, who has 50 years of experience working with local government entities on analyzing infrastructure buildout for telephone and wireless.

Planning Manager Ruben Hurin stated that the public hearing is for two locations

1. Utility pole located within the right-of-way near the corner of Hillside Drive and Cabrillo Avenue, adjacent to 1800 Hillside Drive.
2. Utility pole located within the right-of-way at the corner of Winchester Drive and Oak Grove Avenue, adjacent to 701 Winchester Drive.

Mr. Hurin stated that at the September 4, 2018 City Council meeting, the Council voted to continue the hearing for three months. During that three-month period, AT&T would work with staff to address the community and the Council's concerns. He noted that since the September 4 meeting, AT&T has made some changes to their application including:

- The size of the radio remote units was reduced from 11 feet to 9 feet 4 inches;
- AT&T added shields in order to conceal the equipment; and
- AT&T investigated alternative sites including utilizing 704 Winchester Drive instead of the proposed 701 Winchester Drive.
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He noted that the alternative site, 704 Winchester, would require replacing an existing utility pole, owned by AT&T, with a new utility pole. Additionally, PG&E would need to install an above-ground meter. The above-ground meter would be stored in a cabinet measuring 4 feet 6 inches in height.

Vice Mayor Beach asked staff to discuss why PG&E would need a separate meter for the alternative site at 704 Winchester. DPW Murtuza stated that the AT&T pole doesn't have any electric utility on it. Therefore, in order to provide power, PG&E would have to run a line from their closest facility to the pole.

Mayor Colson introduced CTC Principal Engineer Lee Afflerbach. She explained that Mr. Afflerbach was hired because at the September 4, 2018 meeting, Councilmember Keighran asked for an independent consultant to review the applications.

Mr. Afflerbach began by reviewing the history of cell towers. He stated that early on, telecom companies utilized towers that, if tall enough, could shoot out a three to four mile long signal. He explained that while this technology covered phone calls, once cell phones were utilized for video and data, the tower's capacity couldn't keep up. As a result, the macro towers began utilizing additional bands that could expand coverage. However, these bands don't have the same coverage as macro towers. He explained that this resulted in the development of small cell facilities. Small cell facilities are put in neighborhoods and cover service areas of 500-1000 feet.

Mr. Afflerbach stated that there is nothing unusual about the system that AT&T has chosen for Burlingame. He noted that AT&T has made the equipment and antenna smaller than what is allowed under FCC regulations.

Mr. Afflerbach discussed RF (radio frequency) exposure. He stated that the National Environmental Policy Act of 1969 required the federal government to evaluate and set standards. The FCC was assigned the responsibility to set the standards for human exposure to RF energy emitted by FCC-regulated equipment. He noted that the standards were developed with input from expert agencies such as the National Council on Radiation Protection and Measurement, Institute of Electrical and Electronic Engineers, American National Standards Institute, Environmental Protection Agency, and Food and Drug Administration.

Mr. Afflerbach stated that practically every device in one's home emits RF energy such as microwaves, Wi-Fi, cell phones, etc. He stated that he reviews applications to ensure that the cell towers are compliant with the FCC's RF emission standards. He explained that the standard considers the cumulative effect of RF emissions in the area. Therefore, nearby towers and other small cell facilities would be taken into consideration when ensuring an application is compliant. He stated that after review, CTC found AT&T's applications compliant.

Mr. Afflerbach reviewed CTC's findings on the AT&T applications. He explained that the proposed technical equipment is suitable to meet the purposes set forth by the applications. CTC's onsite testing of AT&T's current network performance in the vicinity of the two sites found that most of AT&T's network delivers wireless throughout the area examined, but data transfer rates vary greatly. In most cases, CTC's measurements recorded wireless signal levels of sufficient amplitude to support in-vehicle 4G high-speed transfer of data, but user demand exhibited significant impact on network throughput. He noted that the RF emissions impact studies submitted by the applicant (prepared by the independent contract engineering consultant firm of Hammett & Edison) and the independent analysis of CTC confirm that at each site, the total calculated RF emissions would not exceed the FCC's emission guidelines at ground level or at adjacent elevated locations in multi-story locations.

Councilmember Keighran asked how the RF emissions from the small cell facilities compare to other devices. Mr. Afflerbach stated that it depends where you are. He noted that a typical cell phone has a radiating power in the range of 100 milliwatts. He stated that the RF emissions from Wi-Fi devices can be up to one watt in power. He noted that there is quite a bit of exposure around one's home.

Vice Mayor Beach asked if the cumulative effect will need to be measured for each small cell application. Mr. Afflerbach replied in the affirmative.

Councilmember Keighran asked in Mr. Afflerbach's experience, do cities develop master plans so that they can see where everything is. Mr. Afflerbach stated that most communities have databases.

Councilmember Brownrigg asked why telecom companies wanted to move from macro towers to micro sites. He added that the City has an ordinance that states that they would much prefer telecom companies to build macro sites. Mr. Afflerbach stated because there is not enough capacity on the macro tower for the number of users.

Councilmember Brownrigg stated that one of the questions they all received was whether there is really a gap in service. He stated that CTC went out and determined that there is a gap in service. He asked if he was correct that when a cell phone has a poor signal, the way it tries to connect is to pump more power through the phone. Mr. Afflerbach replied in the affirmative.

Councilmember Brownrigg stated that this is a highly dangerous situation for the user. He added that if one of the outcomes of allowing small cell facilities is that it reduces the amount of power that is needed for a cellphone to connect, this would be good for the community.

Councilmember Keighran asked what the legal parameters are that the City has for deciding on the AT&T applications. Ms. Karish explained that generally, you start with the assumption that local governments control development within their jurisdictions. However, in the telecommunications industry there are several layers of federal and state laws that limit the City's authority. She noted that small wireless facilities are usually seeking to place their equipment in the public right-of-way, and under State law they have a franchise right to use the right-of-way. The franchise right is limited by local government's ability to consider if the installation incommodes the public's use of the public right-of-way. She explained that this has been interpreted to include safety, the primary use of the right-of-way, and aesthetics.

Ms. Karish discussed the federal parameters concerning the City's decision. She stated that federal law has preempted a lot of local authority. She gave the example of RF emissions, which are regulated by FCC standards. She stated that the local government can only ask an applicant to demonstrate that their facility will meet the FCC standards. She added that federal law has also taken away the ability of local or state authority to regulate terms of service or entry (service conditions or rates). She noted that local government has authority on placement of facilities, but if the city denies an application, it must be in writing and based on substantial evidence. Therefore, the city can't have regulations or decisions that would result in an effective prohibition of service.



City Attorney Kane added that what is before the Council tonight is the limited question of the two appeals for the two sites. She noted that there are broader policy questions that the community cares about including establishing citywide aesthetic standards. She explained that these will have to be discussed in a separate public process.

Councilmember Ortiz asked the City Attorney to comment on where the City is with the shot clock. City Attorney Kane stated that the applications have taken a considerable amount of time. However, the City and AT&T have entered into a tolling agreement through tonight's hearing. This means that AT&T is not raising the issue of the City acting too slow.

Mayor Colson asked in general what the shot clock is. City Attorney Kane replied that it depends on the nature of the installation. She added that the trend over time is that the shot clocks are getting shorter and that local processes have to become increasingly streamlined.

Vice Mayor Beach stated that in the months ahead, the City will need to have public policy discussions on small cell sites and what they should look like in Burlingame. She asked about the potential preference for smart poles in the future, where everything is hidden inside. Additionally, she asked if the Council could require AT&T to utilize smart poles for the two applications in front of the Council. City Attorney Kane stated that because the application dealt with utility poles, the City Council needed to rule on the applicant's ability to utilize the utility poles. Ms. Karish added that the smart poles are used to replace street lights and not utility poles.

Councilmember Keighran asked if the City would have to enter into contracts with the carriers if the City chose to use smart poles in the future. DPW Murtuza replied in the affirmative. He discussed the expense and logistics of switching from utility poles to smart poles.

Councilmember Keighran stated that San Jose is currently undertaking a pilot program with smart poles and asked staff to keep tabs on the program.

Mayor Colson opened the public hearing.

AT&T Vice President of External Affairs Tedi Vriheas stated that the two small cell sites are needed to help AT&T improve wireless service and signal quality in Burlingame. She noted that the cells are needed to address significant problems caused by constrained macro facilities.

Ms. Vriheas reviewed the timeline of the two applications. She stated that AT&T has worked extensively with the City in order to address the community's concerns. She noted that AT&T submitted several applications to the City for small cell sites in September 2018.

Ms. Vriheas stated that during the September 4, 2018 Council meeting, the Council and community asked questions about alternative sites and the design of the small cells. After that meeting, AT&T worked to find alternative sites and designs. She stated that AT&T received the okay from the national office to deviate

from set standards of what the small cell should look like. She explained that these standards are in place so that during an emergency, staff from other states will understand the equipment and be able to maintain it.

Ms. Vriheas reviewed AT&T's proposed design for the small cells. She noted that AT&T created two designs where either the small cells are kept in one box or in three boxes. In both options, the boxes are covered to make it a sleeker design. She reviewed pictures of what the small cell would look like at 1800 Hillside Drive. She explained that the Planning Commission asked if AT&T could work with Our Lady of Angels as an alternative site. However, she explained that this site couldn't be used because AT&T would have to make structural changes to the steeple.

Ms. Vriheas reviewed other proposed sites near 1800 Hillside Drive. However, each of the other sites had issues including: 1) located on private property; 2) didn't meet the CPUC General Order 95 requirements; and 3) pole was not structurally sound to support the proposed equipment.

Ms. Vriheas next discussed the 701 Winchester Drive site. She showed pictures that depicted what the equipment would look like at this site.

Councilmember Brownrigg asked why the equipment has to be so far away from the pole. AT&T representative Mark Garbish explained that it is a CPUC General Order 95 requirement. He stated that individuals who climb poles with belts need to be able to put the belt around the pole.

Ms. Vriheas reviewed the alternative sites for 701 Winchester Drive. She stated that AT&T found that they could put the small cell at 704 Winchester Drive, but they would need to put a separate pedestal across the street. She explained that the other alternatives for 701 Winchester wouldn't work for various reasons including: 1) didn't meet the CPUC General Order 95 requirements; 2) licensed to another carrier; and 3) four poles were rejected by the AT&T Radio Frequency engineer. She noted that AT&T would like to put the small cell in Washington Park, but they hadn't heard from the City whether this was possible.

Mayor Colson stated that Washington Park is about to be renovated for the new Community Center, which would make it more difficult to develop this as a small site. However, she noted that the City is very amenable to utilizing their own property in these cases. She gave the example of the City working with Caltrain for their paralleling station.

Councilmember Ortiz asked if he was correct that the wires from the small cells go straight down the pole and underground. Ms. Vriheas replied that most do, but some go up and attach to existing wires.

Councilmember Brownrigg asked if the proposed small cells are all 4G related. Ms. Vriheas replied in the affirmative. She added that AT&T is not yet deploying 5G on small cells.

Councilmember Brownrigg asked if AT&T cared about the orientation of the equipment on the poles. Mr. Garbish stated that under General Order 95, the boxes must allow for a climbing quadrant.

Councilmember Brownrigg thanked AT&T that there are no fans with the small cells. He added that the higher AT&T can place the equipment on the utility pole, the better.

Councilmember Keighran asked if in the future AT&T would be using the existing equipment for 5G. Ms. Vriheas stated that AT&T is currently finalizing their prototypes for 5G. She stated that the prototypes are not at the top of the pole, that it is all enclosed, and is about 23 inches long and 9 inches wide. She added that this would be deployed later this year.

Councilmember Keighran asked that as soon as equipment isn't used, that it be taken off the poles. Ms. Vriheas stated that AT&T removes out-of-service equipment on a regular basis.

Vice Mayor Beach asked if there are any additional supporting wires that aren't shown in the renderings. Ms. Vriheas replied in the negative.

Mayor Colson stated that she appreciated that AT&T took the fans out and went the extra mile on these installations to make them sleeker. She discussed the importance of establishing a standard for the small cells in Burlingame. Ms. Vriheas stated that the best solution is to convene a working group of the different carriers to understand what each needs and then what could be implemented throughout the city.

Mayor Colson thanked Ms. Vriheas and opened public comment.

Burlingame resident Tom Santoro stated that he lives in direct view of the requested small cell at 1800 Hillside Drive and doesn't want the small cell approved.

Burlingame resident Peter Jaunich voiced concern that the weight of the equipment on the poles could lead to a safety hazard.

Burlingame resident Tatyana Shmygol voiced her concern about the small cells being deployed in Burlingame. She asked if the City plans to conduct thorough reviews of future sites.

Burlingame resident Alexandra Kromelow voiced her support for the deployment of small cells in Burlingame because of bad cell service in her neighborhood.

Burlingame resident Catherine Huston asked the Council not to approve the small cells and asked about the legal ramifications if a drone hits one of the sites. She also asked when the FCC developed the standards that were referenced in the presentation. Ms. Karish stated that the FCC standards were adopted in 1995.

Burlingame Parks and Recreation Commissioner Ian Milne thanked AT&T for addressing the public's concerns and voiced his support for approving the small cells.

Burlingame resident Debby Burn asked the Council to vote against the small cells as they aren't aesthetically pleasing.

Burlingame resident Jan Robertson asked if the City would conduct hearings with the other carriers who submit applications for small cells.

Burlingame resident Erica Drabik asked how many people in the community have AT&T as a carrier and voiced concern about RF emissions from small cells.

Mayor Colson reviewed the questions that the public asked with AT&T representative Tedi Vriheas.

Mayor Colson asked Ms. Vriheas to comment on the public question about what the coverage gap is in Burlingame. Ms. Vriheas stated that the coverage gap is set out in the application and that it has been confirmed that there is a coverage capacity gap.

Councilmember Keighran expanded the public's question and asked if studies are done each time an application is made with the City to determine the coverage gap. Ms. Vriheas replied in the affirmative and added that it is a legal standard.

Mayor Colson stated that the next public question was about pole liability and viability. Mr. Grabisch stated that there are CPUC regulations on how often the poles need to be visited and inspected. He added that the application forces a re-inspection of the pole to make sure it is safe for their facilities.

Councilmember Brownrigg asked how heavy the antenna is. Mr. Grabish stated that the antenna is roughly 20 pounds.

Ms. Vriheas noted that AT&T's equipment is in the public right-of-way, and if individuals are using drones that damage the equipment, the individuals are liable for that damage.

Mayor Colson stated that the next public question concerned whether cell service is critical to the City's infrastructure including hospitals and emergency services. Ms. Vriheas replied in the affirmative. She noted that between 70-80% of all emergency calls are made on cell phones. She explained that under FCC spectrum regulations, AT&T has an obligation to ensure they provide coverage within their footprint.

Mayor Colson stated that another question concerned the alternative Washington Park location that is quite a bit away from 701 Winchester Drive. Ms. Vriheas stated that in September 2018, AT&T discussed how they find their coverage gap. She noted that AT&T's radio access network engineers issue a ring that shows where the small cell needs to be located. She noted that the park was within the vicinity of the macro.

Mayor Colson asked how many AT&T customers they have in Burlingame. Ms. Vriheas stated that this was proprietary information.

Councilmember Keighran asked about the distance of the macro to the Winchester site. Ms. Vriheas stated it is about a mile.

Mayor Colson closed the public hearing.

Mayor Colson thanked the community for coming out and participating in the discussion.

Councilmember Keighran asked if the City can utilize CTC to review future applications. City Attorney Kane replied in the affirmative.

Councilmember Brownrigg asked if the City approves these applications for 4G deployments, would a 5G upgrade need to come back to the City Council for approval. Ms. Karish explained that a 2012 federal law states that if there is an existing wireless facility, some changes to the facility have to be approved by the local government. She stated that the concept of the law was that because the local government had already approved the wireless facility, if the changes were relatively insignificant, they would also be approved.

Councilmember Keighran asked about weight constraints if the equipment is changed out for 5G. Ms. Karish stated that any changes to the utility pole have to go through an approval process with the pole owner.

Mayor Colson asked the Council to discuss the appeal of 1800 Hillside Drive.

Councilmember Brownrigg stated that the two applications before the Council are just the beginning and that several applications have been submitted to the City for wireless facilities. He discussed that after reading the rules and talking to the attorneys, the City's hands are practically tied when it comes to allowing telecom companies into the community. He stated that he doesn't want to have 500 or 1000 poles with antennas but he doesn't believe he can stop it. He added that he doesn't want to have the City take on a challenge, spending taxpayers' money, if the City doesn't believe it can win the case. He noted that six years ago the City did go to court on a telecom matter and won. He added the City joined the national lawsuit to challenge the FCC's practice of taking away local control.

Councilmember Brownrigg explained that both of the applications have to be approved. He stated that he didn't believe the Council's decision had to be a precedent for the design of future wireless facilities. He noted that he appreciated that AT&T got rid of the fan and voiced support for the single sleek box. He added that he thought the smart poles might be the way to go, but that this would require a working group. He asked in the future that the carriers bring in physical mock ups of the wireless facilities.

Vice Mayor Beach stated that she hoped the community heard loud and clear that the Council hears their concerns. She noted that emissions, clutter, and proliferation are all concerns and that the Council understands. She stated that the Council and community will have to discuss potentially creating a master plan that establishes the design and placement of small cells in the city. She stated that AT&T's current design is a better version than the original. She stressed the importance of a constant review of the cumulative effect of the cells.

Vice Mayor Beach stated that she would prefer the single sleek box.

Councilmember Keighran stated that her comments were similar to Councilmember Brownrigg and Vice Mayor Beach. She discussed the fact that the Council's hands are tied but appreciated the discourse that has

occurred on this matter. She stated that she was interested in using smart poles and was looking forward to the San Jose pilot project. She discussed creating a working group to help plan out the design and location of wireless facilities. She agreed with Councilmember Brownrigg that the carriers should bring physical mock ups to the Council and Planning Commission meetings. She stated that under the circumstances, she would vote for going forward and voiced support for the one box design versus 3 boxes.

Councilmember Ortiz stated that he liked the three boxes over one.

Mayor Colson stated that she liked the idea of a working group. She thought it should be comprised of Council, Planning Commission, and Beautification Commission members. Additionally, she suggested that the City allow the homeowner to select if they would rather have the three box design or the one box design.

City Attorney Kane suggested that the Council make a motion, and then at the next meeting, staff will bring back a resolution that lists the conditions of approval.

Councilmember Brownrigg made a motion to approve AT&T's application for a small cell facility at 1800 Hillside Drive, thereby overruling the Planning Commission's decision. He noted that the Council is approving the application, in part, because AT&T has made upgrades to their design so that the small cell facility is sleeker, smaller, the color of the pole, and doesn't have fans. The motion was seconded by Councilmember Ortiz. The motion passed unanimously by voice vote, 5-0.

Mayor Colson directed the Council's attention to 701 Winchester Drive or the alternative site at 704 Winchester Drive.

Councilmember Ortiz stated that the alternative site with the separate pedestal was a nonstarter for him. Therefore, he recommended the 701 Winchester Drive site.

Vice Mayor Beach agreed with Councilmember Ortiz and stated that she didn't want to see unnecessary additional clutter in the public's right-of-way.

Councilmember Keighran agreed with her colleagues.

Councilmember Brownrigg stated that he agreed that

he didn't want the separate box. However, the 704 Winchester site was on the non-residential side of the street. He explained that he believed the community would be happier not having the antenna on the residential side of the street.

Mayor Colson asked if her colleagues had any additional thoughts given Councilmember Brownrigg's commentary.

Councilmember Ortiz stated that one thing he liked about the original site at 701 Winchester Drive is that there are more trees, so it is hidden.

Mayor Colson stated that she concurred with Councilmember Ortiz.

Vice Mayor Beach made a motion to grant the appeal and overrule the Planning Commission's denial. She stated that she approved the application with the changes suggested and that the small cell would be placed at 701 Winchester Drive. The motion was seconded by Councilmember Keighran. The motion passed unanimously by voice vote, 5-0.

**b. PROPOSITION 2018 PUBLIC HEARING AND ADOPTION OF A RESOLUTION  
INCREASING SOLID WASTE RATES BY 6% FOR ALL ACCOUNTS FOR EACH OF  
CALENDAR YEARS 2019, 2020, AND 2021**

Finance Director Augustine noted that each year staff takes a look at the various cost components associated with the solid waste services. This is done to determine the amount of revenue needed from customers to fund the services for the following year. She noted that Recology is responsible for the billing of solid waste services at the rates prescribed by Council. She added that rates were last raised in 2012. She stated that the Rate Stabilization Reserve has leveled off and been drawn down from.

Finance Director Augustine stated that staff reviewed the costs associated with solid waste with Council in 2018. Therefore, in order to prevent further depletion of the Rate Stabilization Reserve, a 6% raise was determined to be needed for each of the next three years.

Finance Director Augustine asked the City Clerk if there had been protests filed. City Clerk Hassel-Shearer stated that there were five.

Finance Director Augustine recommended that because this wasn't a majority, Council should approve Resolution Number 012-2019.

Vice Mayor Beach thanked staff for how they communicated to the residences about the upcoming rate increases. She discussed the green waste regulations and asked if the rates took these changes into account. Finance Director Augustine replied in the affirmative.

Councilmember Brownrigg stated that the new regulations are dramatic and the County has started a pilot program to pull out more of the organic waste. He noted that if the pilot program works, they will need to undertake a significant upgrade to the facility, which will increase costs.

Mayor Colson opened the public hearing. No one spoke

Vice Mayor Beach made a motion to adopt Resolution Number 012-2019; seconded by Councilmember Brownrigg. The motion passed unanimously by voice vote, 5-0.

**10. STAFF REPORTS AND COMMUNICATIONS**

There were no staff reports.

**11. COUNCIL COMMITTEE AND ACTIVITIES REPORTS AND ANNOUNCEMENTS**

**a. MAYOR COLSON'S COMMITTEE REPORT**

**b. VICE MAYOR BEACH'S COMMITTEE REPORT**

**12. FUTURE AGENDA ITEMS**

Councilmember Brownrigg requested information about CASA.

**13. ACKNOWLEDGEMENTS**

The agendas, packets, and meeting minutes for the Planning Commission, Traffic, Parking & Safety Commission, Beautification Commission, Parks and Recreation Commission and Library Board of Trustees are available online at [www.burlingame.org](http://www.burlingame.org).

**14. ADJOURNMENT**

Mayor Colson adjourned meeting in memory of Bob Giorni at 10:01 p.m.

Respectfully submitted,

Meaghan Hassel-Shearer  
City Clerk