



Staff Report

PUBLIC HEARING TO REVIEW PLANNING COMMISSION ACTION FROM FEBRUARY 3, 2009 - PUBLIC HEARING REGARDING CONDITIONAL USE PERMIT AND DESIGN REVIEW (T-MOBILE), PURSUANT TO MUNICIPAL CODE SECTION 1-11.

Honorable Mayor and Council Members:

Summary

On February 3, 2009, the Planning Commission approved a Conditional Use Permit (CUP) and Design Review (DR) to install a wireless communication facility at the Mid Peninsula Water District property at 1906 Lyon Avenue (see meeting minutes, Attachment 1). The approved CUP and DR would allow installation of six panel antennas to be flush mounted to an existing 44-foot high water tank, and also allow for construction of a 20-foot by 12-foot pre-fabricated, fully enclosed equipment shelter. There are presently no wireless communications facilities installed on this property.

Section 1-11 of the Belmont Municipal Code requires that upon receipt of a *Request to Review*, the City Council may initiate proceedings to review the Planning Commission decision on motion by any member of the Council. Such a request for review was submitted on February 10, 2009 by Councilmembers Lieberman and Feierbach (See Attachment 1).

At their February 24, 2009 meeting, the City Council voted unanimously (5-0) to review this matter. This item was scheduled for tonight's meeting in accordance with Municipal Code Section 1-11, which requires that the matter be reviewed by the council within 30 days of submittal of a *Request to Review* notice.

At the February 24, 2009 meeting the City Council requested that the City obtain the services of an outside consultant that specializes in review and analysis of wireless telecommunications projects. Specifically, this third party review should include:

- Review and confirmation of the RF Frequency Analysis prepared by Hammett & Edison, dated August 28, 2007.
- Review of the T-Mobile Coverage Maps to determine accuracy, confirm existing coverage needs, and verify proposed coverage. T-Mobile has agreed to provide the City with updated maps that includes all proposed and recently approved T-Mobile facilities in Belmont; this updated coverage information was not previously available at the 02/03/09 Planning Commission meeting.

- Review of the Alternative Site Analysis provided by the applicant.
- Suggestions for site alternatives not previously evaluated by T-Mobile, if applicable, and comparison of these alternative sites with the proposed project for differences in projected coverage, aesthetic impacts, and other community impacts (i.e. ambient noise, proximity to residential properties, etc.).

Background

In a letter dated February 20, 2009, a representative of the applicant stated that any further continuance of this matter would constitute an unreasonable delay of the project in terms of processing their application. While this project was originally submitted on February 1, 2007, three changeovers in project applicants resulted in at least nine months of project delays over the course of the past two years. Additionally, it should be noted that the project endured three significant design changes, each time requiring new project analysis by staff. For each of the four Planning Commission meetings, the project was taken to the Planning Commission within sixty days of a complete revised submittal. Based on these facts, staff believes that continuing the matter to gather additional information and/or analysis would not constitute an unreasonable delay.

General Plan/Vision Statement

Not applicable at this time.

Fiscal Impact

This additional review will require approximately 25 hours of staff time, and the third party consulting firm will also require project review fees. The City of Belmont Master Fee Schedule provides the Community Development Director with the authority to deem a project complex in nature and collect additional processing fees as needed to cover consultant fees and staff time.

Given that the project has undergone three design revisions and required four Planning Commission hearings in addition to City Council review, the Community Development Director has deemed it a complex project. Staff met with representatives from T-Mobile on March 3, 2009 to discuss the potential for third party consultant review and informed them that T-Mobile would be responsible for any consulting fees related to this project. Staff is currently in the process of contacting several wireless consulting firms that have experience with similar project applications. This Fiscal Analysis assumes focusing the third-party consultant review to the issues described above. Costs incurred beyond the above scope may potentially not be reimbursed by the applicant, pursuant to the Master Fee Schedule.

Public Contact

This matter was placed on the agenda and posted as required by the California Government Code. A Notice of Hearing was mailed to all property owners within 300 feet of the subject site.

Recommendation

Given the time required to complete a third party project review, it is recommended that the Public Hearing be continued to May 12, 2009. At that time, staff will present the City Council with all project data, including the requested third party project analysis.

Alternatives

1. Discontinue Council review of 02/03/09 Planning Commission action regarding the T-Mobile Conditional Use Permit and Design Review.
2. Provide alternative direction to staff.

Attachments

1. Meeting Minutes from the 02/03/09 Planning Commission meeting

Respectfully submitted,

Carlos de Melo
Community Development Director

Jack R. Crist
City Manager

Staff Contact:
Jennifer Walker, Associate Planner
(650) 595-7453
jwalker@belmont.gov

ATTACHMENT A

February 3, 2009 Planning Commission Meeting Minutes

5A. PUBLIC HEARING – 1906 Lyon Avenue (Continued from November 18, 2008)

To consider a Conditional Use Permit and Design Review to install a T-Mobile Wireless Telecommunications facility, consisting of six (6) panel antennas attached to the existing Mid Peninsula Water District water tank, and four detached equipment cabinets.

Application Number: PA2007-0006;

APN: 044-051-140; Zoned: R-1B (Single Family Residential)

CEQA Status: Recommended Categorical Exemption per Section 15303 (e)

APPLICANT: Ben Davies on behalf of T-Mobile

OWNER: Mid Peninsula Water District

PROJECT PLANNER: Jennifer Walker, (650) 595-7453

AP Walker summarized the staff memorandum, adding the following two Conditions of Approval as requested by a Commissioner: 1) prohibiting any permanent external lighting facilities, and 2) a formal request that additional landscaping be required on the west side of the property. In general, staff believes that the information provided by the applicant indicates that each of the 16 findings and the Design Review principles can be made in the affirmative.

Commissioner Mayer questioned AP Walker about existing alternative sites. She responded that the 1999 Notre Dame pole has an existing facility but she was not certain about the other two. She added that staff was never able to determine what undeveloped site was being referred to in previous hearings. Regarding evidence that existing antennas have reduced property values in the City of Belmont, AP Walker stated that staff has no evidence proving that one way or the other.

ACA Kane responded to questions from the Commission as follows:

Commissioner Mayer:

- Was he correct in assuming that Belmont cannot deny an application of this kind for health reasons if the structure meets all of the existing limitations?
 - Yes, Federal law specifically prohibits local governments such as Belmont from prohibiting location of wireless facilities such as this one based on environmental reasons, including environmental health factors. The reasoning behind that is that the Federal government wanted to reserve to itself the right to set national standards and therefore does not allow local and state governments to impose their own standards for accessing environmental health effects.
- Was he correct in assuming that in the case of property values, if there is no alternative site available, the Commission cannot reject an application?
 - Yes, the Commission cannot reject an application for a reason that would have City-wide implications. In other words, if the possibility of a decrease in local property values would apply in equal force to any location, then that could not be the sole reason to deny an application of this kind.

Commissioner Reed:

- Does T-Mobile need to identify every possible site before settling on the water tank?
 - No, it needs to justify its reasons for the water tank site and show that it has assessed reasonable alternatives as directed by the Commission, but identifying every possible site is not one of the things that is mandated by the law.

Commissioner Mercer:

- When the City has approved a cell location at one property such as this water tank, is there a different legal perspective towards denying any future additional cell locations at that same place?
 - Each application can be assessed based on the same criteria afresh. If there is some reason that an additional co-location would trigger new problems, the Commission can evaluate those at that time and is not necessarily bound in the future by a decision made on a particular application; each application has to be assessed on its own merits.

Ben Davis, Zoning Consultant for T-Mobile, asked for and was granted time for a rebuttal at the end of the discussion. He thanked staff, neighbors and the Commission for their support and time, and introduced members of his team. He described the history and objectives of the proposed project, explained why the other site alternatives do not meet the coverage objectives and how the water tank is the only candidate that meets coverage requirements. His presentation included coverage maps and slides showing alternative sites, explaining why they were not acceptable, as well as a map showing that approximately forty-five 911 calls were made on T-Mobile phones during a 30-day period last year near the significant gap area. He stated that if the site at the water tank is in place it will better be able to handle those calls without being dropped. He presented a table showing the advantage of the proposed site over the alternative sites.

Paul Albritton, outside counsel for T-Mobile, reaffirmed that the 1996 Telecommunications Act prevents local governments from regulating wireless services based on the environmental effects of radio frequency emissions. An RF report submitted by Hammett and Edison shows that anywhere on the ground around this tank the emissions will be .48% of the federal standard, or about 200 times below the public exposure that the federal government deems as safe. He reiterated that this standard has been refined in California in a 2003 AT&T Wireless case which says that one cannot pre-empt based on the environmental effects of radio frequency emission but also any proxy of that, which means that other jurisdictions tried to say that it is not the radiation itself, it's the fear of it they were trying to regulate, or it's the reduction of property values that will result because of the emissions. That case pretty much said that proxies for radio frequency emissions are also preempted by the federal law.

Regarding alternative sites and the significant coverage gap, the Act also says that local regulations shall not have the effect of prohibiting the provision of personal wireless services. He felt that the maps have shown that there is a significant gap in coverage between Alameda de las Pulgas and El Camino Real, and that they have shown that this proposal is among the sites that are the least intrusive means of filling the coverage gap. He added that the Act also says that

the Commission's decision has to be based on substantial evidence, and that there needs to be substantial evidence for denial of the site. They have not seen any evidence for denial.

Commissioner Mercer asked the applicant to explain the difference between this facility and the numerous other cell sites in Belmont. Mr. Albritton described in detail the variety of sites that are possible, from micro cells to macro cells, depending on the coverage and capacity of the site, and the fewer the radios the fewer antennas, the less coverage and capacity that site will fill. In this case, the applicant is trying to provide sufficient coverage and capacity to the area between Alameda de las Pulgas and El Camino using two 4' antennas. He explained the differences between this installation and the one on Notre Dame Avenue and in providing coverage for small, dense areas vs. large rural areas. He stated that the more radios, the more channels, and the more simultaneous calls that can be covered.

Commissioner Mercer asked if T-Mobile had looked at commercial sites along the 101 corridor that could be turned to face up the hill. Mr. Albritton responded that it was his understanding that the coverage from this particular site will only reach as far as El Camino Real. Wendelio Buyan, Senior Engineer for T-Mobile, responded that sometimes they have a site shooting up – they can do that – but not for this particular case because Belmont is rolling and the signals do not follow the terrain but shoot straight up. Oracle was mentioned as a possible high rise for an antenna. Mr. Buyan responded that they could probably achieve antenna height difference from the ground but to reach the elevation of the water tank from the elevation of El Camino Real they would probably have to have 100-plus feet of antenna height to be able to duplicate that of the water tank. The church would be a much higher elevation so would require an even higher antenna.

Commissioner Mercer asked if they looked at any alternatives that utilized multiple smaller cells dispersed around the area instead of the one large centralized facility. Mr. Buyan and Mr. Albritton explained the system of “rings” employed by T-Mobile, noting that there is something missing in the dead center of the ring of T-Mobile facilities in Belmont in terms of providing coverage to the east, west and south of that location. He further described “distributed antenna systems” and explained that the 4' antennas mounted on a 44' tank painted to match would have significantly less aesthetic and environmental impacts and concerns to the residents than that of the large number of micro cells that would be required to cover the area that they are trying to fill.

Chair Parsons opened the Public Hearing.

David King, resident of Mezes Avenue, opposed the project. He appreciated that the visual obstruction has been lowered, but questioned why the applicant is pushing the project so hard since he and his neighbors and friends in Sterling Downs have no problem with reception. He stated that the people on Mezes and Lyon Avenues do not want the project and see no real advantage to the City or citizens of Belmont.

Joe Iffla, resident of Mezes Avenue, opposed the project. He felt that property values are tied to perception, and perception of health and community go together and that there is plenty of

evidence that cell phone antenna radio frequencies cause health issues. He asked that the Commission read a handout that he had distributed at City Hall that afternoon, noting that it stated that the County of Palm Beach Florida, the State of California and the Country of New Zealand have all prohibited cellular antennas near schools due to safety concerns. There are 3 elementary schools within a 1-mile radius of and 6 children under the age of 10 living within 200' of the proposed site. He believes there is a lot to be learned about the long-term health of radio frequencies, comparing it to what has been learned about second-hand smoke, and that it deserves more attention and an independent assessment. He was not ready to sacrifice his health for Corporate America.

Robert Miller, resident of Mezes Avenue, opposed the project. He had provided a handout that takes exception to two of the Design Review findings and the Zoning Ordinance. He believes that the property under discussion has a maximum allowable footprint of 3500 feet. The existing pump structure and a new building are addressed but it does not take into account the size of the tank, which he feels throws them over the allowed density and requires a separate Variance. He asked that the Commission abide by the rules and not do anything for the applicant that they would not do for any other property owner in Belmont.

Rick Pauli, resident of Lyon Avenue, opposed the project. He referred to the four candidate sites discussed, questioned how they could turn down Candidate B because of interference by the trees, but plan to use the existing trees and plant new ones to cover the tower and the antenna on the proposed site. He wondered if they are going to have to come back in the future and ask to cut down the trees for better coverage.

Cecil Nelson, resident of Lyon Avenue, opposed the project. He believed the site is already over built, questioned how many other companies will want to share the site, and expected noise from the air conditioning and wind passing between the tank and the antennas. He did not feel that T-Mobile had explored all other site possibilities.

Christopher Wright, resident of Lyon Avenue, opposed the project. It was his understanding that the Planning Commission has the right to refuse T-Mobile's application if it feels that the character of the community will be negatively affected. He felt that with this project they are being asked to lower their standards as to the character of Belmont and that it should be their moral impulsion to elevate its character at every turn in every situation.

RS Flores noted that George Kranen had completed a Request to Speak but was not present.

Stanley, resident of Mezes Avenue, opposed the project. He felt that the City's record that shows that only one neighbor had contacted the City to read the file should be corrected, since he for one did not go to the City to read it – he obtained a copy. He expressed concerns about wireless radiation causing brain tumors, especially in teenagers, and quoted from a doctor's 2008 Congressional testimony that stated that long-term and frequent use of cellular phones increases the risk of brain tumors. He was also concerned about the added weight of the antennas to the water tower in the event of an earthquake. He provided copies of the Congressional testimony to which he had referred.

Robert Miller asked to add one comment. He stated that property value is an element that can be used to turn down this type of program, and he believed that CDD de Melo could confirm that.

Susan Wright, resident of Lyon Avenue, spoke in opposition to the project, noting that she was amazed that an FCC regulation keeps the City from objecting to a wireless communication facility based on health concerns, and questioned the methodology of previous research and if anyone is monitoring the health of citizens who live near transmitters compared with a control group who do not. Her own on-line research found reports of cancer clusters surrounding cell phone maps in different communities in the United Kingdom and other European countries, and the U.S. label of “inconclusive” is not good enough for her. She asked that the Planning Commission request current research from a third party not associated with the industry or the FCC that proves that the radiation from wireless facilities is not a health risk, and felt that, until then, they should reject the placing of any new transmitters near homes. She suggested a more proactive community-based process that would seek a location with which everyone could live.

Chair Parsons honored Stanley’s request to continue his previous comments. He stated that there is already existing cell coverage, that with the 6 antennas it will no longer be a small structure, and recommended that the Commission consider that the poles should be separated and removed from the densely populated area near schools and apartment complexes.

MOTION: By Commissioner Frautschi, seconded by Vice Chair Horton, to close the Public Hearing. Motion passed 7/1 by a show of hands.

Mr. Albritton addressed the Commission again in order to respond for the record to the public comments:

- Regarding the comment that phones already work in the area, he stated that it is an issue of coverage and capacity. As phones are used more the coverage of the cells shrink, and T-Mobile would not be putting all this time and energy into this facility if they did not feel there is a significant gap that needs to be filled.
- Regarding noise, T-Mobile have provided specs, and there is a condition of approval that if they do not comply with the Belmont code it will have to be brought into compliance.
- There is one cable tray leading up to the roof to the first set of antennas, then the cables run across the top of the tank so will not be visible going from antenna to antenna.
- Commissioner Frautschi asked for clarification of the inconsistency raised by Mr. Pauli regarding coverage due to trees. Mr. Albritton stated that the 8’ saplings and the additional landscaping are intended to shield the equipment shelter, not to shield the antennas. The antennas will be 44’ in the air and it is line-of-sight technology. There are some trees to the east of the tank but the antennas are intended to shoot over those trees.

Commissioner McKenzie asked for clarification as to why the coverage is different on the packet of maps labeled Candidate A and the one labeled “Proposed Site.” Mr. Davis responded for the applicant. He explained that one antenna had been adjusted since the preparation of the “Proposed Site” map last November and the current Candidate A map. The coverage of the

Candidate A map is accurate because the direction of one antenna on the existing site has been modified from the northwest to point directly north.

Commissioner Mercer asked for clarification of the City's regulatory options with respect to lot coverage of the water district's property. CDD de Melo read from Section 9.91 of the Zoning Code, which exempts the water tower structure itself from zoning floor area limits. He added that the T-Mobile facility, with the construction of their equipment shed, complies with the 3500 sq.ft. limit and that any findings associated with single-family design review development standards or requirements do not apply to this particular project.

Commissioner Frautschi asked staff to address floor area limit issues raised by the public:

Referring to the codes mentioned by Mr. Miller, CDD de Melo confirmed that floor area development requirements cannot be considered as part of the past installation of the water tanks for that site. He added that the T-Mobile equipment cabinet shelter is considered a structure that can be regulated based on placement and square footage and there is no limit as to the size of an ancillary structure so long as it does not exceed the 3500 sq.ft. limit, which this does not.

Referring to the question raised by Mr. Nelson regarding air conditioner noise, CDD de Melo stated that the City's Noise Ordinance limits DBA during daytime hours to 65 DBA and 55 in the evening, and that the City is in a reactive mode relative to complaints, so if there are complaints that the air conditioning unit is exceeding noise limits the City will test the equipment with noise meters to confirm that they are exceeding or not exceeding that standard. A condition could be considered that calls for testing at some point.

Regarding related property values and character of community, CDD de Melo stated that the Commission has the opportunity to look at this application and comment, and has discretionary authority relative to design review issues. If the Commission is convinced that this facility will decrease property values in this neighborhood and that decrease makes it impossible to make one of the findings, then they need to ask whether there is any location within the City for which a facility would not affect property values. They can consider it but then they have to look at the spectrum of other potential locations and if they can conclude that there will be a property value issue with other locations as well, then there can be no facility that could be installed that would not create a property value issue, and that prohibition on that kind of an application becomes an issue.

ACA Kane added that the issue is whether there is something unique about the property value impact to this location as to any other potential locations or cell installations. The reality is that the Commission's hands are tied as to certain aspects of this decision by federal law, and though concerns about such issues as health impacts are real and legitimate, they have been explicitly preempted by the federal government in this area. CDD de Melo added that the Commission required the applicant to provide a range of alternative sites and that could factor into the Commission's decision-making about better coverage, but in looking at those other sites they need to ask if the installation of some type of facility would create a property value impact at that location as well.

Expressing her concern about the noise from the air conditioner running at night, Commissioner Mercer asked the applicant if there would be a way to configure the equipment so that it does not require an air conditioner and a rather large structure, noting that they had previously ruled out an open pit because of vandalism temptations. Mr. Albritton responded that it would be possible to use cabinets rather than a shelter, but it was his understanding that there is something in the history of this site that there was a desire to place a shelter there. He added that in the worse case scenario the specs for the air conditioning units are very close to the allowable nighttime decibel reading at the units themselves – not 30' feet away. They will make the highest noise when the temperature is over 85° but will still comply with the noise ordinance. They are not anticipating a noise problem.

Commissioner Reed asked the applicant what the RF exposure is from the actual use of a cell phone up against someone's ear, not from the ambient exposure to a tower.

Bill Hammett, Registered Professional Engineer, responded that the use of a cell phone is a higher power density level at the cell phone than is received from the tower. The standard allows up to 20 times higher exposure levels at that small area, and in the case of the cell phone vs. the tower, where the tower is 50 to 200 times below the standard, the standard allows higher levels for the cell phones and they operate very close to those levels. The differential is hundreds of times stronger from the cell phone than from the tower. Mr. Albritton added that most studies that you hear about deal with the cell phones themselves and not the antennas.

Responding to Commissioner Reed's question as to why San Francisco uses micro cells, Mr. Albritton stated that San Francisco is very dense – 8 of 10 Californians over the age of 12 have a cell phone. Since each cell can handle only so many calls, they have to have many more cells just to handle the capacity of people on the phone in San Francisco. T-Mobile has a permit in San Francisco to put 5' chimney facilities on top of apartment buildings without building permits and those obviously are a lot closer to people than the 30' that we're talking about in the subject case. He added that even then they are still at 5% of the FCC standard. The antennas are all lower power and the closer you are to an antenna the less power your phone has to use in order to reach the antenna, so you reduce the actual exposure to the person who is on the phone by having a nearby facility. He stated that the use of micro cells does not have anything to do with the topography of San Francisco.

Vice Chair Horton commented that they would probably all prefer to be able to comply with a lot of things with which they are not able to comply because the federal government says they must follow certain rules, and as much as she sympathized and understood what the neighbors were saying, she did not think the Commission could do anything but approve the project. She believed that T-Mobile and the Commission had all done their homework and the decision is that it goes at the water tower site.

Commissioner Mayer echoed Vice Chair Horton's sentiments, and felt that they had come a long way since the first application. The Variance has been eliminated, the unsightliness of the design has been mitigated by the lowering of the antenna, and he was mystified by the fact in any

given neighborhood there is such an objection raised to this type of installation by people who presumably use cell phones. By federal law the Commission is not allowed to take health concerns into consideration so long as the potential health effects of this installation are below the allowed limits. He felt that everything has been done that could be done to mitigate this process and thought he could make the findings.

Commissioner Frautschi thanked the applicant for the materials they provided, and thanked everyone who spoke about the project. The project to him boiled down to the character of the community, and he agreed with Susan Wright and urged her to contact the FCC. He was not convinced that all possible sites were considered, and suggested, for example, a site on Davey Glen. He quoted from a memo received from the City Attorney and Section 11.5.1, finding d) and determined that the Commission could ask for more sites. He believed the applicant looked at the sites in good faith but was willing to vote for a continuance to look for more sites. He mentioned that three houses just recently sold very quickly on Lyon Avenue because people wanted to move before this decision was made. Unless other Planning Commissioners want to look for alternate sites, he could support the findings with the additional conditions that were offered by one of the Commissioners about prohibiting exterior lighting facilities and provide additional landscaping on the west side of the property.

Commissioner McKenzie mentioned that this is the fourth time they have seen this project and felt that the applicant had addressed the issues and had responded to the requests of the Commission and to the neighbors. Of all the possibilities he could think of this one worked for him. He was sympathetic to the neighbors but could not find an objection that would stand up to the federal laws that are held up in this case. He could make all the findings and could support the project.

Commissioner Reed understood the people who do not want this in their neighborhood but wanted them to know that this Commission is to a large degree handcuffed by law. That is the advice they are given by the City Attorney. He was a little frustrated at T-Mobile's efforts to generate coverage maps that are not consistent and also wondered if the smaller pole-mounted microcells might be a better less-intrusive way to serve the City but was also aware that anybody living near one of those poles would have the same reaction to a cell antenna. He did not want to make all the findings but he could.

Commissioner Mercer was unable to find any alternative to this plan. The micro cells would be a proliferation of those unsightly poles requiring multiple sites, multiple applications, and multiple neighborhoods impacted. She could not in good faith fail any of the findings and believed it would be a stretch to say that this is inconsistent with the community character because there are numerous cell sites around, including another water tower that has four different installations on it and is just as localized to residents as this one. She believed this is a far more aesthetically pleasing installation than some of the others that are around town and that the applicant has done their best to lower the heights, redesign the shed, and comply with every other condition that they we could think of to make it as acceptable as possible. Given the existing federal regulations, she could not find any basis on which to deny the project but encouraged residents

to continue doing their research and to take the subject up with the newly formed federal government. She stated that unfortunately she could not make all the findings.

Chair Parsons thanked everybody for coming and speaking and expressed his personal feelings about how it hurts whenever a cell site comes up and he can't do anything to prevent it because of federal law. He believed the Commission did all they could to minimize the visual impacts, and suggested that they can add some more conditions to make the landscaping stronger and the character of the building better. He could not find a reason not to vote for the project.

MOTION: By Vice Chair Horton, seconded by Commissioner McKenzie, adopting a Resolution approving the Conditional Use and Design Review at 1906 Lyon Avenue (Appl. No. PA2007-0006) with the added conditions that: 1) there will be no permitted lighting; 2) additional landscaping on the West Side of the property; 3) a requirement to take a noise reading at the equipment shed within 1 year's time; and 4) the landscape plan will be brought back to the Commission with more detail of materials, how the structure will be finished, and a description of the railing around the top of the retaining wall if it is required.

Ayes: Horton, McKenzie, Mercer, Mayer, Parsons, Reed
Noes: Frautschi

Motion passed: 6/1

Chair Parsons called for a 5-minute recess.