



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: A 24-126

April 16, 2024

Introduced: 3/15/2024

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

Approve and authorize the Contracts & Purchasing Officer or their designee to execute the Second Amendment to the Wireless Communication Site Lease Agreement between the County of Monterey and New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, for certain Real Property located at 1025 Monterey-Salinas Highway 68, Salinas, California to modify and/or replace wireless equipment, increase the lease fee of \$28,884 per year by \$5,700 to equal \$34,584 per year upon meeting certain conditions, and update all lease related references within the Agreement to license.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Approve and authorize the Contracts & Purchasing Officer or their designee to execute the Second Amendment to the Wireless Communication Site Lease Agreement between the County of Monterey and New Cingular Wireless PCS, LLC, a Delaware Limited Liability Company, for certain Real Property located at 1025 Monterey-Salinas Highway 68, Salinas, California to modify and/or replace wireless equipment, increase the lease fee of \$28,884 per year by \$5,700 to equal \$34,584 per year upon meeting certain conditions and update all lease related references within the Agreement to license.

SUMMARY/DISCUSSION:

The County of Monterey (“County”) entered into a 20-year Site Lease Agreement (“Agreement”) with New Cingular Wireless PCS, LLC, a Delaware limited liability company, an affiliate of AT&T Mobility Corporation (“New Cingular”) on June 7, 2006, to operate and maintain a wireless communication site located at 1025 Monterey-Salinas Highway 68, Salinas, California. The Agreement was first amended on November 1, 2019, to approve the modification of equipment, increase the lease fee, eliminate additional lease extensions, modify the notice section, provide for mandated applications, and to clarify ownership of the tower.

Approval of the proposed Second Amendment (Attachment D) to the Agreement will allow New Cingular to complete equipment upgrades and maintain compliance with current and future federal, state, or local mandated applications, including but not limited to emergency 911 communications services as further described in Exhibit B-3 of the proposed Second Amendment. The current annual license fee of \$28,884 will increase annually by \$5,700 to equal \$34,584 annually commencing on the first day of the month following the date that New Cingular commences construction of the modifications set forth in the proposed Second Amendment, subject to three percent (3%) annual rent increase adjustments as provided in the Agreement. The proposed Second Amendment will also amend all references of “Lessor” to “Licensor”, “Lessee” to “Licensee”, and “Lease” to “License”

within the Agreement to comply with National Park Service contractual requirements for real property agreements within recognized parks.

The County is aware of proposed concession agreement discussions. As part of the concession discussions, it is understood between the County and the potential concessionaire, that the placement is allowable, and that revenue comes back directly to the County.

OTHER AGENCY INVOLVEMENT:

The Information Technology Department has reviewed the plans and specifications for the New Cingular requested equipment upgrades. The Office of the County Counsel has reviewed the proposed Second Amendment as to form. The Auditor-Controller’s Office has reviewed and approved the proposed Second Amendment as to fiscal provisions.

FINANCING:

The Board Report and proposed Second Amendment will provide \$34,584 of license fee payments to the County annually. This was accounted for as part of the FY2023-24 PWWP Adopted Budget, General Fund 001, Appropriation Unit PFP054, Unit 8552.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action supports the Board of Supervisors strategic initiative to promote sustainable, physical infrastructure that improves the quality of life for County residents and visitors and supports public safety by ensuring proper telecommunications infrastructure is sufficient for the Communities safety needs.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Ivo N. Basor, Management Analyst III, (831) 796-6427

Reviewed by: George K. Salcido, Real Property Specialist

Approved by: Lindsay Lerable, Assistant Director of Public Works, Facilities, and Parks

Approved by: Randell Ishii, MS, PE, TE, PTOE, Director of Public Works, Facilities and Parks

DocuSigned by:
Randell Ishii
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Attachments:

Attachment A - Site Lease Agreement

Attachment B - First Amendment

Attachment C - Second Amendment

(Attachments are on file with the Clerk of the Board)