



Legislation Details (With Board Report)

File #: A 23-412 **Name:** Amendment 3 Lease Agmt New Cingular Wireless 1410 Natividad

Type: BoS Agreement **Status:** Passed

File created: 8/15/2023 **In control:** Board of Supervisors

On agenda: 9/12/2023 **Final action:** 9/12/2023

Title: Approve and authorize the Contracts/Purchasing Officer or their designee to execute the Third 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 1410 Natividad Road, Salinas, California to modify and/or replace wireless equipment and increase the lease fee of \$47,641.32 per year by \$5,700.00 to equal \$53,341.32 per year upon meeting certain conditions.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Location Map, 3. Attachment B - Site Lease Agreement, 4. Attachment C - First Amendment, 5. Attachment D - Second Amendment, 6. Attachment E - Proposed Third Amendment, 7. Completed Board Order Item No. 51

Date	Ver.	Action By	Action	Result
9/12/2023	1	Board of Supervisors		

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RECOMMENDATION:

Approve and authorize the Contracts/Purchasing Officer or their designee to execute the Third 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 1410 Natividad Road, Salinas, California to modify and/or replace wireless equipment and increase the lease fee of \$47,641.32 per year by \$5,700.00 to equal \$53,341.32 per year upon meeting certain conditions.

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, and an affiliate of AT&T Mobility Corporation (“New Cingular”), on or about June 7, 2006, to operate and maintain a wireless communication site located at 1410 Natividad Road, Salinas, California. The Agreement was first amended on February 16, 2012, to correct the legal description of the leased area and to update the notices section of the Agreement. The Agreement was further amended on September 2, 2022, to modify and/or replace wireless equipment, increase the lease fee, update the notices section of the Agreement, and extend the term of the Agreement.

Approval of the proposed Third Amendment (Attachment E) 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 Third Amendment. The current annual lease fee of \$47,641.32 will increase by \$5,700.00 annually to equal \$53,341.32 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 Third Amendment, subject to three percent (3%) annual rent increase adjustments as provided in the Agreement.

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 Third Amendment as to form. The Auditor-Controller's Office has reviewed and approved the proposed Third Amendment as to fiscal provisions.

FINANCING:

The proposed Third Amendment will provide \$53,341.32 of lease payments to the Facilities section of the PWFP Department annually. Preparation of the Board Report and Third Amendment was accounted for as part of the FY2023-24 PWFP Adopted Budget, General Fund 001, Facility Services 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 (831) 796-6427 Reviewed by:
George K. Salcido, Real Property Specialist Reviewed by: Lindsay Lerable,
Chief of Facilities

Approved by: Tom Bonigut, Assistant Director of Public Works, Facilities & Parks

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

The following attachments are on file with the Clerk of the Board:

- Attachment A - Location Map
- Attachment B - Site Lease Agreement
- Attachment C - First Amendment
- Attachment D - Second Amendment
- Attachment E - Proposed Third Amendment