



**Contra
Costa
County**

To: Board of Supervisors
From: Julia R. Bueren, Public Works Director/Chief Engineer
Date: February 14, 2017

Subject: Execute a license agreement with East Bay Regional Park District for Vollmer Peak Tower

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a license agreement with East Bay Regional Park District, for a five-year term beginning February 1, 2017, with three optional five-year extensions, to use District property for the County's Vollmer Peak telecommunications tower, at a rate of \$2,400 per month, Orinda area.

AUTHORIZE the Public Works Director to provide notice to renew the license agreement by up to three additional five-year periods, if determined to be necessary.

FISCAL IMPACT:

100% General Fund

BACKGROUND:

The County has operated a telecommunications tower (Tower) on Vollmer

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/14/2017** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 14, 2017

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie Mello, Deputy

Contact: Dave Silva, (925)
313-2132

cc:

BACKGROUND: (CONT'D)

Peak since 1961 under various agreements with the East Bay Regional Park District (District), which owns the property. The County is responsible for maintaining and operating the Tower, and it uses rack space in an adjacent District-owned shelter (Shelter). The County's Department of Information Technology (DOIT) operates the Tower as a microwave/radio communications site for Bay Area public agencies. The Tower provides critical radio and microwave coverage for the western half of Contra Costa County and the northeastern portion of the San Francisco Bay Area. The County uses a District road to access the Tower and Shelter.

Under this license agreement, the District will continue to grant the County a license to maintain the Tower on Vollmer Peak, to use six racks in the Shelter, and to use the District's road to access the Tower and Shelter. The County will pay the District \$2,400 per month, subject to annual increases beginning February 1, 2018, for the six racks in the Shelter, and will pay the District a road fee of \$500 per year. The license agreement requires the County to indemnify the District against claims that arise from the County's actions under the agreement.

The term of the license agreement begins on February 1, 2017, and it expires five years after the effective date. The County may elect to extend the license term by up to three additional five-year periods, unless the District provides notice of nonrenewal at least 180 days in advance of the expiration of the then-current term of the license agreement.

Because the Tower is an integral part of the County's telecommunications network, the Departments of Public Works and Information Technology recommend that the Board of Supervisors approve the license agreement.

CONSEQUENCE OF NEGATIVE ACTION:

If the license agreement is not approved, DOIT will not be able to operate a communications site on Vollmer Peak, which will have a negative effect on the County and the public agencies that are using the telecommunications tower. The County would also incur additional costs to remove the tower from the site and relocate it to another site, if feasible.

ATTACHMENTS

License Agreement with EBRPD for Vollmer Peak