



**Contra
Costa
County**

To: Board of Supervisors

From: Brian M. Balbas, Interim Public Works Director/Chief Engineer

Date: September 12, 2017

Subject: LEASE for Communication Site with New Cingular Wireless PCS, LLC for Kregor Peak Communication Site

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Interim Public Works Director, or designee, to execute a Communication Site Lease with New Cingular Wireless PCS, LLC, for a five-year term beginning August 1, 2017, with two optional five-year extensions, to use the County's property for the Kregor Peak telecommunications tower, for \$3,914 per month, under the terms and conditions set forth in the Communication Site Lease, as recommended by the Department of Information Technology, Clayton area.

FISCAL IMPACT:

Revenue in the amount of \$234,840 to the Department of Information Technology, Telecommunications Division (100% General Fund)

BACKGROUND:

The County is the owner of that certain real property located near Clayton, California, that is known as "Kregor Peak" (the "Site"). The Site is a one-acre parcel that has been improved with two communications towers and a number of supporting structures, all of which are solely owned by the County. The County uses the Site for its own communication needs

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **09/12/2017** ☒ 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: September 12, 2017

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

By: Stephanie Mello, Deputy

Contact: Stacey Sinclair, (925)
313-2130

cc:

and leases space on the communications towers to other entities. The Site is primarily used by the County and other public entities in the operation of emergency communications networks.

BACKGROUND: (CONT'D)

Prior to the County's acquisition of the site in 2011, the County leased the Site from the previous owner under a lease dated November 15, 1960. In 1995, the County granted a License Agreement to Bay Area Cellular Telephone Company ("BACTC"), which authorized BACTC to use (i) an approximately 153 square foot storage vault on the Site, and (ii) a portion of one of the communications towers for the purpose of installing communications equipment in support of a cellular telephone network. The License Agreement expired on September 30, 2010 and the parties agreed to extend the terms of the agreement on a month to month basis beginning on October 1, 2010.

New Cingular Wireless PCS, LLC is the successor-in-interest to BACTC in and to the License Agreement. The new Tenant and the County wish to terminate the License Agreement and enter into this Communication Site Lease as of the Effective Date.

Under this Communication Site Lease, the County will lease to New Cingular Wireless PCS, LLC, the "Premises" that include (i) the Tenant Vault, (ii) an approximately 40 square foot concrete pad (the "Concrete Pad"), and (iii) that portion of one of the communications towers on which the Tenant has installed communications equipment. The Tenant will pay the County \$3,914 per month, subject to annual increases beginning August 1, 2018. The Communications Site Lease requires the Tenant to indemnify the County against claims that arise from the Tenant's actions under the agreement.

The term of the Lease begins on August 1, 2017, and it expires five years after the effective date. The Tenant may elect to extend the term by up to two additional five-year periods.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve the Communications Site Lease will result in the loss of \$234,840 in revenue to the Department of Information Technology, Telecommunications Division.

ATTACHMENTS

Communication Site Lease