

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT General Services Agency	(2) MEETING DATE 7/16/2013	(3) CONTACT/PHONE Janette D. Pell, General Services Agency Director 805-781-5200	
(4) SUBJECT Request to approve First Amendment to lease agreement with AT&T Wireless Services, Inc. for a cell site at Nipomo Community Park and assignment of the Lease to New Cingular Wireless PCS, LLC.			
(5) RECOMMENDED ACTION It is recommended that the Board: (1) Approve the First Amendment to Lease Agreement and authorize the Chairperson to sign it (2) Approve the Memorandum of First Amendment to Lease Agreement and authorize the Chairperson to sign it (3) Direct the Clerk of the Board to record the Memorandum of First Amendment to Lease Agreement			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ___) <input type="checkbox"/> Board Business (Time Est. ___)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: N/A <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP Attached	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A    Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW			
(18) SUPERVISOR DISTRICT(S) District 4 -			

# County of San Luis Obispo



TO: Board of Supervisors

FROM: General Services Agency / Janette D. Pell, General Services Agency  
805-781-5200

DATE: 7/16/2013

SUBJECT: Request to approve First Amendment to lease agreement with AT&T Wireless Services, Inc. for a cell site at Nipomo Community Park and assignment of the Lease to New Cingular Wireless PCS, LLC.

## **RECOMMENDATION**

It is recommended that the Board:

- (2) Approve the First Amendment to Lease Agreement and authorize the Chairperson to sign it
- (4) Approve the Memorandum of First Amendment to Lease Agreement and authorize the Chairperson to sign it
- (5) Direct the Clerk of the Board to record the Memorandum of First Amendment to Lease Agreement

## **DISCUSSION**

The County of San Luis Obispo entered into a Lease Agreement with AT&T Wireless Services of California, LLC, on November 5, 2002 for placement of a cellular equipment vault and light standard with cellular antennas at a baseball field at Nipomo Community Park at 908 W. Tefft Street in Nipomo, which is owned and operated by the County of San Luis Obispo. The term of the agreement is for five years with three additional five-year options to extend through November 2022. The current lease payment paid to the County is \$1,924.32 per month, and the payment is increased annually by four percent.

AT&T Wireless Services has assigned their interest in this lease to New Cingular Wireless, LLC ("New Cingular"), which requires the County's approval. New Cingular has requested to amend the lease to allow a 15 square foot expansion of the vault to accommodate more air conditioning equipment and the addition of three four-foot antennas on the light standard, to be located approximately two feet below the existing antennas. New Cingular also requests three options to extend the lease by five years each, for a total extension of up to fifteen years. New Cingular will increase their rent payment by \$650 per month starting the month after their construction begins. They will also pay an administrative fee of \$1,000 to compensate County Parks for the cost of preparing and processing the amendment.

County Planning and Building has determined that the addition of the dish is consistent with AT&T's original land use permit and that the lease amendment is consistent with the Class 3 categorical exemption to the California Environmental Quality Act (CEQA) issued with the permit.

New Cingular has requested that a Memorandum of First Amendment to Lease Agreement be recorded as evidence of the existence of the Lease, which is a common practice with commercial leases. Approval of this lease amendment requires a four-fifths vote of the Board, pursuant to California Government Code Section 25536.

## **OTHER AGENCY INVOLVEMENT/IMPACT**

County Counsel has reviewed the First Amendment to the Lease Agreement as to form and legal effect. County Planning

and Building has approved the revision to AT&T's land use permit and has determined that the amendment is consistent with the original project for the purposes of CEQA.

### **FINANCIAL CONSIDERATIONS**

Upon approval by the Board of this First Amendment, New Cingular will pay a \$1,000 administrative fee to the County. Upon the start of construction of their new improvements, New Cingular will increase their monthly rent by an additional \$650 to \$2,574.32 per month, which will equate to an increase of approximately \$6,500 this fiscal year as unbudgeted revenue, and \$7,800 per year plus 4% annual increases in future years. All revenues associated with this lease will be deposited to Fund Center 305.

### **RESULTS**

Approval of the First Amendment to Lease Agreement by the Board will assign the Lease Agreement for a cell site at Nipomo Community Park from AT&T to New Cingular and will allow options to extend the lease for up to an additional 15 years. It will also allow New Cingular to make a small addition to their vault and add three antennas to their tower located on a light standard located at the baseball field. This action contributes toward the community-wide goal of a "Livable Community" by allowing MetroPCS to provide improved cellular service.

### **ATTACHMENTS**

1. Location Map
2. First Amendment to Lease Agreement
3. Memorandum of First Amendment to Lease Agreement