

CITY OF NAPA CITY COUNCIL
AGENDA REPORT

CONSENT CALENDAR
AGENDA ITEM 5.C.
Date: October 15, 2013

To: Honorable Mayor and Members of City Council

From: Jacques R. LaRochelle, Public Works Director

Prepared by: Jeff Freitas, Property Manager

Subject: Amendment to Communications Site Lease Agreement

ISSUE STATEMENT:

Authorize the City Manager to execute Amendment No. 1 to City Agreement No. 7066 with New Cingular Wireless PCS, LLC, to modify the lease of a portion of the City of Napa water tank site located at 1542 Foster Road, Napa, California (APN 043-190-014), for use as a telecommunications facility.

DISCUSSION:

In 1997, the City of Napa and Napa Cellular Telephone Company entered into a Communications Site Lease Agreement for a portion of property at the City's Foster Road water tank site. The initial term of the Lease was five years with options to extend for three additional five-year terms (a total of 20 years). The original lease was very specific as to the quantity and type of equipment allowed at the site, including the antennas mounted on the tank.

The Tenant's successor in interest (New Cingular Wireless PCS, LLC) has requested certain amendments and modifications to the Lease Agreement. These include modification of the Notice section and replacement of Exhibit B to the Agreement with an updated Exhibit B to allow for changes, additions, modifications, and relocation of antennas, equipment, and associated cabling in order to update existing equipment to meet the new technology requirements. In exchange, the City will receive an increase of \$100 per month in the rent payment amount. The amendment also contains a new requirement that the Tenant provide the City with 24 hours' notice before entering the site, with a \$300 penalty fee for the Tenant's failure to notify the City of such entry.

FINANCIAL IMPACTS:

The existing lease provides current rental income to the City in the amount of \$1,539.29 per month which is adjusted annually by the Consumer Price Index. This amendment will increase the current rent by \$100 per month.

CEQA:

City staff recommends that the City Council determine that the Recommended Action is exempt from CEQA pursuant to CEQA Guidelines Section 15303, which exempts the construction of small structures and minor modifications to existing facilities.

DOCUMENTS ATTACHED:

1. Attachment 1: Amendment No. 1 to Agreement No. 7066

NOTIFICATION:

None.

RECOMMENDED ACTION:

Staff recommends that the City Council move, second and approve each of the actions set forth below, in the form of the following motion. Move to:

Approve Amendment No. 1 to City Agreement No. 7066 with New Cingular Wireless PCS, LLC, for lease of a portion of the City of Napa water tank site located at 1542 Foster Road, Napa, California (APN 043-190-014) for use as a telecommunications facility, and authorize the City Manager to execute the amendment.