

RESOLUTION NO. 17-

A Resolution of the City Council of the City of Hercules Authorizing the City Manager to Execute the Amended and Restated Site Lease with New Cingular Wireless PCS, LLC at the Existing Refugio & Falcon Cell Tower on APN#407-290-007 (aka Site CNU4617)

WHEREAS, on January 27, 2009 the City Council passed Resolution No. 09-014 authorizing the City Manager to the execute the initial “Site Lease Agreement” and “Memorandum of Lease” with AT&T to install their ground equipment for a cellular facility on City Property, with the cellular arrays being attached onto the existing PG&E power poles (which are under a separate private party lease); and

WHEREAS, on March 11, 2009 the City executed a “Site Lease with Option” with Cingular Wireless PCS, with initial base lease rent of \$1,800 per month, an annual consumer price index (“CPI”) increase, and a maximum term of 9 years, so that today’s current lease rate is \$2,193.13 per month (\$26,318 annually); and

WHEREAS, with the end of the original lease term approaching, the City’s consultant, Center for Municipal Solutions (CMS), negotiated a new 5 year agreement with a 5 year option to extend that provides for a higher monthly lease rate of \$2,500 per month, to be increased annually by 3% or the CPI, whichever is higher, with a maximum cap at 4% increase as stated in the attached Lease; and

WHEREAS, an “Amended and Restated Site Lease Agreement” and “Memorandum of Lease” for recordation have been prepared, reviewed by the City Attorney, and executed by AT&T Mobility Corporation for their tenant New Cingular Wireless PCS, LLC for the City Council’s consideration.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules that the project is exempt from CEQA, and

BE IT FURTHER RESOLVED that the City Council of the City of Hercules approves the attached “Amended and Restated Site Lease Agreement” and “Memorandum of Lease” with New Cingular Wireless PCS, LLC (labeled Exhibits A and B) and authorizes the City Manager to execute all lease related documents.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 27th day of June, 2017 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Myrna L. de Vera, Mayor

ATTEST:

Lori Martin, Administrative Services Director & City Clerk