### **RESOLUTION NO. 2014-** 148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AUTHORIZING AND APPROVING THE SECOND AMENDMENT TO THE ANTENNA SITE LICENSE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, FOR A TELECOMMUNICATIONS TOWER LOCATED AT BENICIA PARK, 7471 BERNICE AVENUE (APN 143-160-008) AND FINDING SUCH ACTION EXEMPT FROM CEQA

WHEREAS, on December 13, 2005, the City Council adopted Resolution No. 2005-354 authorizing execution of an Antenna Site License Agreement with New Cingular Wireless for the purpose of providing wireless telecommunication services; and

WHEREAS, on May 10,2012, the Planning Commission adopted Planning Commission Resolution No. 2012-10 approving a conditional use permit for modification of an existing cellular antenna tower at 7471 Bernice Ave. (APN143-160-008); and

WHEREAS, on July 23, 2013, the City Council adopted Resolution No. 2013-111 authorizing and approving the First Amendment to the Antenna Site License Agreement with New Cingular Wireless PCS, LLC for a Telecommunication tower located at Benicia Park, 7471 Bernice Ave. (APN 143-160-008) to address the modified cellular antenna tower; and

WHEREAS, New Cingular Wireless wishes to upgrade their equipment on the licensed premises and the City is willing to amend the Antenna Site License Agreement to establish the terms and conditions of the upgrade; and

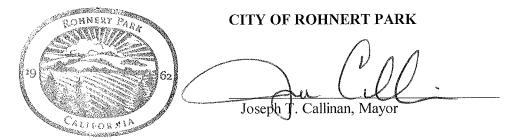
WHEREAS, evidence in the record demonstrates that the approval of the Second Amendment to the Antenna Site License Agreement is exempt from the California Environmental Quality Act (CEQA).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Rohnert Park as follows:

- 1. The above recitals are true and correct and are hereby incorporated into this Resolution as findings of the City Council of the City of Rohnert Park.
- 2. In making its findings, the City Council relied upon and incorporates by reference the staff report and other materials and evidence presented.
- 3. The approval of the Second Amendment to the Antenna Site License Agreement is exempt from the requirements of CEQA pursuant to Section 15301 of the State CEQA Guidelines, because it involves the improvement and maintenance of an existing private cell tower with no expansion of the existing use and there is no substantial evidence that there would be a significant adverse environmental impact associated with the approval.
- 4. The City Council authorizes and approves a Second Amendment to the Antenna Site License Agreement by and between New Cingular Wireless PCS, LLC, a Delaware limited liability company, and the City of Rohnert Park, a municipal corporation.

5. The City Manager is hereby authorized and directed to take all actions to effectuate this Second Amendment to the Antenna Site License Agreement and future amendments for and on behalf of the City of Rohnert Park, including execution, if necessary, in substantially similar form to the agreement attached hereto as Exhibit "A," subject to minor modifications by the City Manager or City Attorney.

**DULY AND REGULARLY ADOPTED** this 10th day of November, 2014.



ATTEST:

JoAnne M. Buergler, City Clerk

Attachment: Exhibit A

# Exhibit "A" of the Resolution

Cell Site #: CCL00356 Benicia Park Market: FSA 8 San Francisco Bay Area

Fixed Asset #10072822

Cell Site Property Address: 7471 Bernice Ave., Rohnert Park, CA 94928

## SECOND AMENDMENT TO ANTENNA SITE LICENSE AGREEMENT

THIS SECOND AMENDMENT TO ANTENNA SITE LICENSE AGREEMENT (the "Second Amendment"), dated as of the later of the signature dates below (the "Amendment Effective Date"), is by and between CITY OF ROHNERT PARK; having a mailing address of 130 Avram Avenue, Rohnert Park, CA 94928 (hereinafter referred to as "Licensor") and NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company; having a mailing address of 575 Morosgo Drive NE, Suite 13-F West Tower, Atlanta, GA 30324 (hereinafter referred to as "Licensee").

WHEREAS, Licensor and Licensee entered into an Antenna Site License Agreement dated December 13, 2005 (the "Agreement"), whereby Licensor licensed to Licensee certain Premises, therein described, that are a portion of the Property located at 7471 Bernice Avenue, Rohnert Park, CA 94928 (the "Premises"); and

WHEREAS, Licensor and Licensee entered into a First Amendment to Antenna Site License Agreement dated July 24, 2013, (the "First Amendment"), whereby Licensor and Licensee replaced Exhibit B with Exhibit B-1 and revised Exhibit C to add antennas and related equipment. The License Fee was adjusted in conjunction with said modifications to the Agreement. Hereinafter the Agreement and First Amendment are collectively referred to as the "Agreement"; and

WHEREAS, Licensor and Licensee desire to amend the Agreement to allow for the installation of new LTE accessory components by replacing the description of the Premises contained in the original exhibit marked Exhibit B-1 with a new revised Exhibit B-2 attached hereto and approved by both parties; and

WHEREAS, Licensor and Licensee desire to adjust the License Fee in conjunction with the modifications to the Agreement contained herein; and

WHEREAS, Licensor and Licensee presently desire to amend, modify and supplement the Agreement subject to the terms and conditions set forth below.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Licensor and Licensee agree as follows:

- 1. Replacement of Exhibits. In Section 1, Premises, of the Agreement, the parties hereby agree that Exhibit B-1 to the Agreement is hereby deleted in its entirety and is replaced and superseded by Exhibit B-2 attached hereto and incorporated herein. All references in the Agreement to Exhibit B-1 or the Premises shall be deemed to reference Exhibit B-2. Exhibit C to the Agreement is hereby amended to add six (6) RRU's (dimensions each: up to 17"w x 18"h) all as further depicted on Exhibit B-2.
- 2. <u>License To Use.</u> Section 2(a) of the Agreement is hereby amended to reflect the addition of six RRU's (dimensions each: up to 17"w x 18"h) all as further described on the attached Exhibit B-2.

- 3. <u>License Fee.</u> Section 5, Payments, of the Agreement is hereby amended by the addition of the following: **PAYMENTS.** Commencing upon thirty (30) days after the Amendment Effective Date (the "<u>License Fee Adjustment Date</u>"), the License Fee shall be increased by Three Hundred and No/100 Dollars (\$300.00) per month, subject to further adjustments as provided in the Agreement and due to Licensor on the same date as the then current License Fee is due. The License Fee shall be prorated for any partial month. All License Fee checks shall be made payable to City of Rohnert Park and mailed to the address given in Paragraph 1 above unless and until otherwise instructed in writing by Licensor.
- 4. Other Terms and Conditions Remain. In the event of any inconsistencies between the Agreement and this Amendment, the terms of this Amendment shall control. Except as expressly set forth in this Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment.
- 5. <u>Capitalized Terms</u>. All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Second Amendment on the dates set forth below.

LICENSOR: CITY OF ROHNERT PARK	LICENSEE: NEW CINGULAR WIRELESS PCS, LLC				
	a Delaware limited liability company				
	By: AT&T Mobility Corporation				
	Its: Manager				
Ву:	- By: Telesma Allel				
Print Name:	Thomas A Shuler				
Fillit Ivallie.	Print Name: Sr. Real Estate &				
	Construction Manage				
Title:	Title:				
Date:	— Date: 8-13-14				

## EXHIBIT B-2

A MODIFICATION TO AN (E) UNMANNED TELECOMMUNICATION FACILITY CONSISTING OF SWAPPING EXISTING A MODIFICATION TO MAY (C) UMMANNED TELECOMMUNICATION FACILITY CONSISTING (3) RRUSTI FOR SAME SIZE HEXPORT ANTENNA, SWAPPING EXISTING (3) RRUSTI FOR LYE 1C CHANNEL SEPARATION VERSION RRU, ADDING AZ TO EXISTING LTE 2C RRU, UMTS TO REMAIN IN POS #3, GSM TO REMAIN IN POS #2, SWAPPING EXISTING (3) DUMMY ANTENNA IN POS #4 FOR 4'
HEXPORT ANTENNA FOR WCS/829, ADDING (3) RRUS-E2, (3) RRUS-32, & (1) DC6 DOME UP ON THE TOWER, ADDING POWER/FIBER CABLES FROM EQUIPMENT AREA TO DOME, VERIFY EXISTING DC12-RM CONTAINS (12) SURGE ARRESTORS MODULES, INSTALL (1) DUS41 IN THE EXISTING PURCELL & ONE IN 2ND EXISTING PURCELL: ONE FOR (LTE 2C-AWS/LTE 4C) & ONE FOR WCS. RE-INTEGRATE LTE 2C WITH LTE 4C. CONFIGURE DUS 41 FOR 2C AND 4C, LEAVE THE DUL.

#### PROJECT INFORMATION

7471 BERNICE AVE ROHNERT PARK, CA 94928 SITE ADDRESS: PROPERTY OWNER: CITY OF ROHNERT PARK 6750 COMMERCE BLVD. ROHNERT PARK, CA 94928 AT&T MOBILITY

APPLICANT ADDRESS SAN RAMON, CA 94583 CITY OF ROHNERT PARK JURISDICTION 143-160-008 ZONING: P-I PUBLIC INSTITUTIONAL

LATITUDE: N 38" 20' 09.11" (NAD 83) LONGITUDE: W 122' 42' 05.55" (NAD 83) FLEVATION: ±100.5' AMSL (NAVD 88)

CURRENT USE: TELECOMMUNICATIONS FACILITY TELECOMMUNICATIONS FACILITY PROPOSED USE:

#### RF DATA SHEET

DATE ISSUED: 11/18/2013 REVISION: V10.06

REV DRAWING INDEX TITLE SHEET 25736-635-LA-CCL00356-T01 SITE PLAN & GENERAL NOTES 25736-635-LA-CCL00356-A01 **EXISTING & PROPOSED EQUIPMENT PLAN** Ð 25736-635-LA-CCL00356-A02 **EXISTING & PROPOSED ANTENNA PLANS** 25736-635-LA-CCL00356-A03 EXISTING & PROPOSED SOUTH 25736-635-LA-CCL00356-A04 **ELEVATION WITH BRANCHES EXISTING & PROPOSED SOUTH** 25736-635-LA-CCL00356-A05 **ELEVATION WITHOUT BRANCHES** 0 **EXISTING & PROPOSED EAST** 25736-635-LA-CCL00356-A06 **ELEVATION WITH BRANCHES EXISTING & PROPOSED EAST** 25736-635-LA-CCL00356-A07

**ELEVATION WITHOUT BRANCHES** 

### AT&T APPROVAL

CONSTRUCTION MANAGER

REAL ESTATE MANAGER

RE ENGINEER





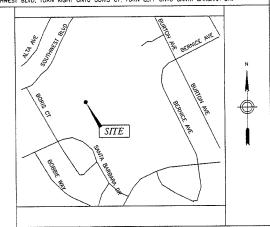
SITE NUMBER: CCL00356/CNU0356/FA10072822 SITE NAME: BENICIA PARK

**ADDRESS: 7471 BERNICE AVE ROHNERT PARK. CA 94928** 

VICINITY MAP

DIRECTIONS FROM SAN RAMON, CA:

DIRECTIONS FROM SAN RAMON, CA:
HEAD SOUTH—EAST DN CANING RAWON TOWARDS BISHOP OR, TURN RIGHT ONTO BOLLINGER
HEAD SOUTH—EAST DN CANING RAWON TOWARDS BISHOP OR, TURN RIGHT ONTO BOLLINGER
CANYON RO, MERGE ONTO I—860 N VAI THE SUP ROAD TO SACRAMENTO, KEEP LEFT TO CONTINUE
ON I—680, MERGE ONTO I—680 N, TAKE THE KIT TOWARDS SACRAMENTO, MERGE ONTO
I—80 E, TAKE THE EXIT ONTO CA—37 W TOWARDS NAPA, TURN RIGHT ONTO LAKEVILLE HMY, TURN
RIGHT TO MERGE ONTO US—70 IN TAKE THE CA—116 W EXIT TOWARDS ROHNERT
PARK/SEBASTOPOL, TURN RIGHT ONTO GRAVENSTEIN HMY (SIGNS FOR RONNERT PARK/COTATI),
TURN LEFT ONTO OLD REDWOOD HMY, SUGHT RIGHT ONTO COMMERCE BLVD, TURN RIGHT ONTO
SOUTHWEST BLVD, TURN RIGHT ONTO BORIS CT, TURN LEFT ONTO SANTA BARBARA DR.



PROJECT CONTACTS

NAME COMPANY CONTACT NUMBER (925) 983-4331 ENGINEER JOSEPH FITZSIMONS RECHTEL FORZA TELECOM (925) 451-5516 DAWN LOVE SAC (925)-983-2377 RF ENGINEER SYEDA TABASSUM **BECHTEL** CONSTRUCTION MARK WAGNER BECHTEL (925)-983-4328

APPLICABLE BUILDING CODES AND STANDARDS

SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL AUTHORITY HAVING JURISDICTION (AHJ) FOR THE LOCATION. THE EDITION OF THE AHJ ADOPTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.

BUILDING CODE: CALIFORNIA BUILDING CODE 2013 CALIFORNIA PLUMBING CODE 2013 CALIFORNIA MECHANICAL CODE 2013 CALIFORNIA ELECTRICAL CODE 2013

CALIFORNIA FIRE CODE 2013 LIGHTNING PROTECTION CODE: NFPA 780 - 1997, LIGHTNING PROTECTION CODE

SUBCONTRACTOR'S WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FOLLOWING STANDARDS. AMERICAN CONCRETE INSTITUTE (ACI) 318. BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC), MANUAL OF STEEL CONSTRUCTION, FOURTEEN EDITION TELECOMMUNICATIONS INDUSTRY ASSOCIATION (TIA) 222-G, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWER TIA 507, COMMERCIAL BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS

INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE) B1, GUIDE FOR MEASURING EARTH RESISTIVITY, GROUND IMPEDANCE, AND EARTH SURFACE POTENTIALS OF A GROUND SYSTEM

IEEE 1100 (1999) RECOMMENDED PRACTICE FOR POWERING AND GROUNDING OF ELECTRONIC EQUIPMENT

IEEE C62.41. RECOMMENDED PRACTICES ON SURGE VOLTAGES IN LOW VOLTAGE AC POWER CIRCUITS (FOR LOCATION CATEGORY "C3" AND "HIGH SYSTEM EXPOSURE")

TELCORDIA GR-1275, GENERAL INSTALLATION REQUIREMENTS

TELCORDIA GR-1503, COAXIAL CABLE CONNECTIONS ANSI T1.311, FOR TELECOM - DC POWER SYSTEMS - TELECOM, ENVIRONMENTAL PROTECTION

FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS REGARDING MATERIAL METHODS OF CONSTRUCTION, OR OTHER REQUIREMENTS, THE MOST RESTRICTIVE REQUIREMENT SHALL COVERN. WHERE THERE IS CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT. THE SPECIFIC REQUIREMENT





BECHTEL COMMUNICATIONS, INC. 2430 CAMINO RAMON #240 SAN RAMON, CA 94583

SITE NAME: BENICIA PARK SITE NO. CCI 00356 7471 BERMICE AVE ROHNERT PARK, CA 94928



2500 CAMINO RAMON SAN RAMON, CA 94583

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