



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 11/5/2024

To: Board of Supervisors

Department or Agency Name(s): Sonoma County Public Infrastructure

Staff Name and Phone Number: Johannes J. Hoevertsz, 707-565-2550

Vote Requirement: Majority

Supervisory District(s): First District

Title:

Telecommunications Lease Revenue Agreement with New Cingular Wireless at 284 First St West, Sonoma (Arnold Field)

Recommended Action:

- A) Delegate Authority to the Director of Public Infrastructure to negotiate and execute a proposed telecommunications lease revenue agreement and all related instruments and agreements, in form approved by County Counsel, with New Cingular Wireless PCS, LLC, a Delaware limited liability company, for the installation of a new wireless communications facility at 284 First St West, Sonoma, California.
- B) Find that the lease agreement is in the public interest and that the property interests under the agreement will not substantially conflict or interfere with use of the subject property by County.
- C) Delegate Authority to the Director of Public Infrastructure to grant utility easements to appropriate public utilities as needed for the subject lease and associated telecommunications facilities, in form approved by County Counsel, and on condition that said easements not substantially conflict with or interfere with any County use of the subject property.
- D) Find that all such public utility easements would be in the public interest and that the said easements will not substantially conflict or interfere with use of the subject property by County.
- E) Determine that the lease agreement, associated easements, improvements, and use of the site are categorically exempt under the California Environmental Quality Act, and direct that a Notice of Exemption be recorded consistent therewith.
- F) Revenue generated from activities and uses on the property shall be used toward the cost of operating and maintaining the property, restoring, and enhancing its natural resources, and programs that take place on the property.

(First District)

Executive Summary:

The Sonoma County Public Infrastructure Department is requesting authority to execute the proposed telecommunications lease agreement with New Cingular Wireless PCS, LLC . New Cingular Wireless PCS, LLC, (doing business as "AT&T Mobility," and referred to hence in this document as "Cingular") has approached County and proposed entering into an agreement to allow Cingular to remove and replace an existing County-owned light standard with new taller light standard to serve as a communications tower for the installation of multiple antennas and related equipment, and to ground lease land adjacent to the existing ball field for

construction of a concrete pad and installation and operation of equipment cabinets, power supply and new generator, at 284 First Street West, Sonoma (also known as Arnold Field) (the "Property"). The proposed lease agreement would benefit the County and the public interest, and the proposed lease agreement will be for an initial term of not less than five years with at least three 5-year extensions, for an initial rent of \$5,000.

Discussion:

County maintains the ballfield at the Property and there are existing telecommunication facilities with commercial carriers at the site. The property has existing light standards to illuminate the ballfield. Under the proposed lease agreement with County, Cingular will install another telecommunication facility at the Property, on the following terms and conditions:

- 1) Cingular will remove the existing 78-foot light standard and replace with a new light standard 96-foot tall ("Improved Tower"). County will own the Improved Tower.
- 2) Cingular will remove and dispose of the existing unused dilapidated press box at the Property.
- 3) Cingular may install up to twelve (12) panel antennas, twelve (12) RRH's (remote radio heads) and three (3) surge suppressors on the improved tower, mounted at heights approved by County, including equipment that supports FirstNet program.
- 4) Cingular leased land measures approximately 13 feet x 27 feet outside of ballfield at the Property, to install new equipment cabinets adjacent to the tower, including construction of a new concrete pad and a backup generator, which shall be gated and secured.
- 5) Cingular will be permitted to bring power and fiber to the facility and connect its equipment and power cabinets to the improved tower for Cingular's operation.
- 6) County will first approve all plans and specifications for all improvements, equipment, and facilities installed under the Agreement.
- 7) Cingular to pay for all costs of the project including all costs of operations, maintenance, and repair.
- 8) Cingular to remove County's existing lights on the light standard and reinstall on the new light standard at the locations specified by County.
- 9) Cingular to pay County initial rent of \$5,000 per month, commencing no later than the completion of Cingular's construction of the facility.
- 10) An initial term of five (5) years commencing upon issuance of building permit, with three - five (5) year options to extend the term, with an annual rent adjustment of 3%.
- 11) Cingular to pay a stipulated amount to cover County staff costs in processing the telecom site application and in connection with preparation of the lease agreement.
- 12) County reserves the right to relocate Cingular's antennas to a different location at the Property in the future at County's expense.

County and Cingular have executed a nonbinding letter of intent that incorporates the material terms to be incorporated into the lease agreement.

Staff have coordinated with Permit Sonoma to conduct all required environmental analysis as to the lease and proposed telecommunications improvements. The project consists of the construction of new, small structures. The Site is already improved with multiple telecommunication facilities and existing light standards. The replacement of an existing light with one that is twenty feet higher with new antennas as described, is a minor alteration of existing facility. It is the minor alteration of an existing public facility

involving negligible expansion of use. The proposed project accordingly is categorically exempt under the California Environmental Quality Act (CEQA), including but not limited to pursuant to Section 15301 (existing facility), Section 15303 (small structure), Section 15311 (accessory structures), and of the State CEQA Guidelines.

Staff further recommends the lease with Cingular because of its affiliation with the FirstNet program. Under a recommendation from the 9/11 Commission, the Federal Communications Commission (FCC) allocated additional spectrum for public safety use and established FirstNet. Congress authorized FCC to enter into public-private partnerships to build a nationwide public safety broadband network. In 2017, AT&T was awarded a 25-year, \$6.5 billion contract to build and maintain the nationwide FirstNet public safety network. Under the award to AT&T, FirstNet provided it with 20 megahertz (MHz) of broadband spectrum, which AT&T can use for public safety use, including in Sonoma County through new operations of Cingular. The State of California has consented to AT&T deploying FirstNet in the State, which was supported by public safety stakeholders who had long advocated for a nationwide network for public safety. Cingular, as a business unit of AT&T, will be required under the proposed lease agreement to install equipment at the site that directly supports the FirstNet system, a significant benefit to first responders and emergency communications when the network is fully implemented, resulting in an important public benefit.

Staff recommends that the Board delegate authority to the Director of Public Infrastructure to execute the subject agreement, substantially in conformance with the terms set forth above. The agreement is in the best interest of the County and the general public because: (i) the County benefits from the improvements at the Property, including a replaced light standard and removal of the dilapidated press box; (ii) improved wireless communications for carrier subscribers and residents in town of Sonoma and the surrounding areas; and (iii) the improved telecommunications capacity and FirstNet capability will enhance public safety and emergency communications for the improved health and welfare of the general public.

Procedural Authority: If in the public interest and if the use will not interfere with County's use of the subject property, Government Code section 25526.6 allows the County to lease or license County real property to a public utility corporation, on terms and conditions as determined by the County. Here, Cingular is a public utility under law and is regulated by the California Public Utilities Commission. The existing light standard will be removed and a new, taller standard installed in its place at no cost to the County. County has sufficient ground space adjacent to the existing ballfield facility and can accommodate Cingular. Also there are no existing or current plans to otherwise use the light standard or the ground lease space, which area was approved after conversations with Regional Parks and local athletic club users groups. Further, installation of Cingular's equipment and FirstNet system capability under the proposed agreement will benefit first responders and the general public by assuring more reliable telecommunications in an area currently lacking AT&T coverage. Cingular's transmissions from the improved light standard will not interfere with other existing telecommunications carriers at the site.

Strategic Plan:

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

Pillar: Resilient Infrastructure

Goal: Goal 4: Implement countywide technological solutions to promote resiliency and expand community access.

Objective: Objective 1: Leverage funding to expand communications infrastructure within the community to improve equitable access to broadband, wireless, and cell phone services.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

None.

FISCAL SUMMARY

| Expenditures | FY 24-25 Adopted | FY 25-26 Projected | FY 26-27 Projected |
|------------------------------------|-----------------------------|-------------------------------|-------------------------------|
| Budgeted Expenses | \$2,500 | \$2,500 | |
| Additional Appropriation Requested | | | |
| Total Expenditures | | | |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | | | |
| Fees/Other | | \$30,000 | \$61,800 |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | \$2,500 | \$32,500 | \$61,800 |

Narrative Explanation of Fiscal Impacts:

Appropriations are currently available for incidental SPI staff time and County Counsel expenses associated with this Board Item in the FY 2024-25 SPI Real Estate budget (10005-21020300). Revenue and expenditure appropriations for FY 2025-26, FY 2026-27, and beyond will be included in future SPI Real Estate Recommended budgets.

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Attachment 1-Lease Agreement for Use of County Facilities

Related Items "On File" with the Clerk of the Board:

None.