



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; Sheriff's Office

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

Vote Requirement: Majority

Supervisory District(s): Countywide

Title:

Telecommunications Lease Revenue Agreement with New Cingular Wireless at 2796 Ventura Ave., Santa Rosa

Recommended Action:

- A) Delegate Authority to the Director of Public Infrastructure to execute the proposed telecommunications lease revenue agreement and all related and necessary agreements, with New Cingular Wireless PCS, LLC, a Delaware limited liability company, for the improvement of the existing telecommunications tower and installation of related wireless communications equipment and facilities at 2796 Ventura Avenue, Santa Rosa, CA, Sonoma County.
- B) Find that 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) Find that installation and operation of antennas by the tenant under said lease, in connection with the FirstNet emergency response system are in the public interest.
- D) 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.
- E) 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.
- F) 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.

Executive Summary:

New Cingular Wireless PCS, LLC (doing business as "AT&T Mobility"), has approached County and proposed entering into a lease revenue agreement to allow New Cingular Wireless to improve the existing County-owned tower at 2796 Ventura Avenue with an additional 20' tower section, to install multiple antennas and related equipment on the improved tower, and to construct and install a concrete pad with equipment cabinets and power supply adjacent to the tower. The proposed agreement would benefit the County and the public interest, and staff is requesting authority to complete and execute the agreement, which among other things will be for an initial term of not less than five years with at least three 5-year extensions, for an initial monthly rent of \$5,500.

Discussion:

The County's telecommunications system, which includes a network of communications towers and equipment, supports first responder agencies, public safety fire cameras, and other important county-wide radio services.

County maintains a telecom facility at 2796 Ventura Avenue adjacent to the Sheriff Office Building. The facility consists of an existing 121-foot tower in an enclosed secured compound. The tower and equipment are used for County emergency communications.

Under the proposed lease agreement with County, New Cingular Wireless PCS, LLC ("Cingular") will co-locate at the County facility, on terms and conditions including as follows which terms are stated in the parties' executed nonbinding letter of intent:

- 1) At its expense, Cingular to improve the existing 121' foot tower with a new section of tower to add not less than 20' ft of additional vertical space such that the improved tower will be 141 feet tall ("Improved Tower"). County will continue to own the tower including the new section.
- 2) Cingular to install up to twelve (12) antennas, twelve (12) remote radio units (RRUs) and three (3) surge suppressors on the improved tower, mounted at heights approved by County, including equipment that supports FirstNet program.
- 3) County to ground lease land to Cingular measuring approximately 15 ft x 20 ft. outside of the enclosed Sheriff's Office Building compound, to install new equipment cabinets and adjacent to the tower, including construction of a new concrete pad for its radio and power equipment, and a backup generator, which shall be gated and secured.
- 4) County to grant Cingular addition rights to bring power and fiber to the facility and connect its equipment and power cabinets to the improved tower for Cingular's operation.
- 5) County to grant Cingular rights of access and/or easements for construction, installation of radio and power equipment and operation thereof.
- 6) County approval of all plans and specifications for all improvements, equipment, and facilities installed under the proposed lease.
- 7) Cingular to pay for all costs to improve the tower and for their equipment and facilities, including all costs of operations, maintenance, and repair.
- 8) Cingular to pay for removing all affected existing antennas and equipment, transferring the same to a temporary facility, and reinstalling all affected County equipment to the locations specified by County.
- 9) Cingular to pay County initial rent of not less than \$5,500 per month, to commence no later than the completion of Cingular's construction of the facility.
- 10) An initial term of five (5) years commencing after 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 related to processing the lease, including for reviewing building plans and preparing the lease agreement.
- 12) County reserves the right to relocate Cingular's antennas to a different location on the tower in the future at County's expense.

County and Cingular have previously 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 proposed tower extension would only minimally extend the existing high-elevation communications tower and add small-scale utilities and support equipment to an already highly-developed area that contains other similar improvements used for public institutional purposes. Further use of the site for additional communications activity is consistent with existing site uses. As such, the proposed lease, use, and improvements involve no or negligible expansion of use or improvements and entail only minor structural additions that are accessory to the existing public telecommunications facility. Accordingly, the proposed lease, easements, use, and improvements are categorically exempt under the California Environmental Quality Act (CEQA), including but not limited pursuant to 14 CCR 15301 (existing facility), 14 CCR 15303 (small structure), and 14 CCR 15311 (accessory structures).

Staff further recommends colocation 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 proposed lease agreement is in the best interest of the County and the general public because: (i) the County benefits from the improvement of the County-owned tower, which will result in County antennas being relocated to a more optimal height location; (ii) the resulting improved wireless communications across the County campus and beyond for carrier subscribers benefit County employees and residents in the surrounding areas; and (iii) the improved telecommunications capacity and FirstNet capability will enhance public safety and emergency communications.

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 tower can support the addition of the new 20 ft section and this improvement benefits the County, which will receive an improved higher tower at no cost to itself. County has sufficient ground space as described in the proposed agreement adjacent to its existing telecom facility and can accommodate Cingular. Also, there are no existing or current plans to otherwise said ground lease space or tower space. 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 complete ATT

coverage. Cingular’s transmissions from the tower will not interfere with County’s.

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

	FY 24-25 Adopted	FY 25-26 Projected	FY 26-27 Projected
Expenditures			
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	\$33,000	\$66,000	\$66,000
Use of Fund Balance			
Contingencies			
Total Sources	\$33,000	\$66,000	\$66,000

Narrative Explanation of Fiscal Impacts:

There will be no initial or ongoing expenses as a result of this Board Item. Additional revenue for FY 2024-25 is projected to be \$33,000 and projected revenues in future fiscal years will be programmed into the SPI

Real Estate Recommended Budget.

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

Attachment 1 - Lease Agreement for Use of County Telecommunications Facilities

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

None