

5/28/15
Item 6.1
JS/lna
to

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**ORDINANCE APPROVING AMENDMENTS TO
TELECOMMUNICATIONS LICENSE AGREEMENTS WITH
WIRELESS TELECOMMUNICATIONS CARRIERS AT
OAKLAND INTERNATIONAL AIRPORT.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated May 28, 2015 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore

BE IT ORDAINED, by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received.

Section 2. The Board hereby approves the terms and conditions proposed in the Agenda Report and hereby authorizes the Executive Director to approve and execute a *Second Amendment to Telecommunications License Agreement* with TMO CA/NV, LLC dba T-Mobile USA, Inc. commencing July 1, 2015 through June 30, 2020, for a Base Fee of \$10,000 per month and a Per Antenna Fee of \$75 per month, subject to certain increases, and subject to the Port Attorney's review and approval as to form and legality.

Section 3. The Board hereby approves the terms and conditions proposed in the Agenda Report and hereby authorizes the Executive Director to approve and execute a *Second Amendment to Telecommunications License Agreement* with New Cingular Wireless PCS, LLC. dba AT&T Mobility commencing July 1, 2015 through June 30, 2020, for a Base Fee of \$10,000 per month and a Per Antenna Fee of \$75 per month, subject to certain increases, and subject to the Port Attorney's review and approval as to form and legality.

Section 4. The Board hereby approves the terms and conditions proposed in the Agenda Report and hereby authorizes the Executive Director to approve and execute a *Third Amendment to*

Telecommunications License Agreement with GTE Mobilnet of California Limited Partnership dba Verizon Wireless commencing July 1, 2015 through June 30, 2020, for a Base Fee of \$10,000 per month and a Per Antenna Fee of \$75 per month, subject to certain increases, and subject to the Port Attorney's review and approval as to form and legality.

Section 5. The Board hereby approves the terms and conditions proposed in the Agenda Report and hereby authorizes the Executive Director to approve and execute a *Third Amendment to Telecommunications License Agreement with Sprint Spectrum Realty Company, L.P. dba Sprint commencing July 1, 2015 through June 30, 2020, for a Base Fee of \$20,000 per month and a Per Antenna Fee of \$75 per month, a Mounting Fee of \$43 per month, and a Conduit Use Fee of \$2,065 per month, subject to certain increases, and subject to the Port Attorney's review and approval as to form and legality.*

Section 6. The Board hereby finds and determines that this transaction is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Port CEQA Guidelines Section 15301(p), which exempts renewals, extensions or amendment to leases or license and concession agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of that previously existing.

Section 7. This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, lease or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board.

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney