

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

1/26/17
Item 6.2
DC/1hr
dwc

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE
DIRECTOR TO ENTER INTO A WIRELESS
TELECOMMUNICATIONS LEASE WITH SPRINT SPECTRUM LP
FOR APPROXIMATELY 1,200 SQUARE FEET OF LAND FOR A
TERM OF TEN (10) YEARS.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated January 26, 2017 (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 finds and determines as follows:

A. The Port entered into a Temporary Rental Agreement dated August 30, 2015 ("TRA") with Sprint Spectrum LP ("Sprint") for approximately 1,200 square feet of land located at 101 Burma Road; and

B. Port staff have negotiated and recommend entering into a 10-year lease with Sprint at an initial monthly rent of \$5,700 per month, which an appraiser engaged by the Port determined to be the fair market rental rate for a cell tower at this site; and

C. After the initial 12-months, monthly rent will be adjusted by 4.5% each year thereafter except for the 6th year, when rent will be adjusted to a new fair market rental rate as determined by another appraisal; and

D. Accordingly, the Board hereby finds and determines that the proposed lease is in the Port's best interest; and

E. The Board further finds and determines that the proposed lease is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines, Article 19, Section 15300.4, which exempts the execution of leases or 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 use beyond that previously existing. Approval of the proposed Wireless Telecommunications Lease with Sprint falls within this class of exemptions. No additional environmental review is required to take the action recommended in this Agenda Report.

Section 3. The Board hereby authorizes the Executive Director or his designee to execute the proposed Wireless Telecommunications Lease with Sprint and to make minor amendments to the Project Description, as described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract, 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. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney