

PORT ORDINANCE NO. 4453

ORDINANCE APPROVING AMENDMENT NO. 1 TO
TELECOMMUNICATIONS LICENSE AGREEMENT WITH NEW
CINGULAR WIRELESS PCS, LLC TO EXTEND THE TERM BY
FIVE YEARS AT AN INITIAL LICENSE FEE OF \$11,675 PER
MONTH FOR A SITE ON THE ROOFTOP AREA AT HANGAR 3 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 2.3, dated November 30, 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 approves the terms and conditions set forth in the Agenda Report for the Amendment No. 1 to Telecommunications License Agreement with **New Cingular Wireless PCS, LLC**, doing business as AT&T Mobility Corporation LLC, to extend the term five years from January 1, 2018 through December 31, 2022, for an initial monthly license fee of \$11,675.00, subject to adjustment as described in the Agenda Report.

Section 3. The Board hereby authorizes the Executive Director to execute the Amendment No. 1 to Telecommunications License Agreement with New Cingular Wireless PCS, LLC, subject to approval as to form and legality by the Port Attorney.

Section 4. The Board hereby finds and determines that the proposed Amendment No. 1 is categorically exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Section 5. This ordinance is not evidence of and does not create or constitute (a) a contract(s), 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 contract 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 other contracting party, there shall be no valid or effective contract.

The Board of Port Commissioners, Oakland, California, November 30, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Colbruno, Hamlin, Martinez, Yee and President Story - 7. Noes: 0.

Daria Edgerly
Secretary of the Board