



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 5/11/2010  
Agenda Placement: 7J

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Don Ridenhour - Director  
Public Works  
**REPORT BY:** Nancy Owyong, Staff Services Analyst I - 253-4603  
**SUBJECT:** Ground Lease Agreement for Public Agency and Public Utility Radio Communications Facilities

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### **RECOMMENDATION**

Director of Public Works requests approval of and authorization for the Chair to sign a Facilities Lease Agreement with Elizabeth H. Sutro, Elizabeth Sutro Mackey, John A. Sutro, Jr. and the Whittier Trust Company as trustees of the Survivor's Trust under the John and Elizabeth Sutro 1992 Trust, for the term May 11, 2010 through May 11, 2045, at \$2,000 per month, for real property located at the end of Atlas Peak Road including the construction and operation of a communication tower and ancillary facility.

### **EXECUTIVE SUMMARY**

The County currently operates a telecommunication tower site on Atlas Peak Road. The lease agreement for this site expired on November 30, 2007 and the property owner agreed to extend the lease through November 30, 2008 and to then continue the lease on a month-to-month basis while looking for an alternative site.

Staff has identified an ideal alternate location on Atlas Peak Road for this critical County facility and has negotiated a lease with the property owners. The new lease agreement will commence on July 1, 2010 and remain in effect for a term of thirty-five (35) years with a monthly rental rate of \$2,000, adjusted annually by a sum equal to the percentage change in the San Francisco-Oakland-San Jose All Urban Consumer Price Index (CPI-U) not to exceed 5%.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes

Where is it budgeted?	Communications
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	This communication site is a vital part of the County's communication system. Without this site, Public Safety Agencies would not be able to communicate. The owners of the current location of the communication tower have requested the County relocate due to privacy concerns.
Is the general fund affected?	Yes
Future fiscal impact:	In anticipation of the relocation, the Communication's division of the Napa County ITS department budgeted for the new lease in the FY 09/10 approved budget. The monthly lease payment is \$2,000 with an annual adjustment of a sum equal to the percentage change in the San Francisco-Oakland-San Jose All Urban Consumer Price Index (CPI); not to exceed 5%. The lease amount will be budgeted in future fiscal years in the Communication's division budget.
Consequences if not approved:	This site is a vital part of the County's communication system providing two-way radio coverage to 80% of the valley floor and the southern portion of Lake Berryessa. Two-way radio coverage is used by the Sheriff, County Fire, Public Works, California Department of Highway Patrol and several other agencies. If not approved, future options are limited and undesirable. The first option of not having a communications site in the location would mean an unacceptable degradation of public safety radio coverage dramatically affecting officer and citizen safety. The second option of finding yet another site location and negotiating a long term lease agreement would be time consuming and extremely challenging. The last option would be to start eminent domain proceedings and secure the land to continue use of existing site.
Additional Information:	

### **ENVIRONMENTAL IMPACT**

**Categorical Exemption Class 3:** It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 3 ("New Construction or Conversion of Small Structures") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

### **BACKGROUND AND DISCUSSION**

The County has leased a telecommunication site on Atlas Peak Road dating back to the 1950's. The property was purchased by new owners in 2004 and in 2005 the new owners began expressing to the County their privacy and safety concerns related to various agencies accessing the tower via the existing easement across their property.

The lease expired on November 30, 2007 and in the interest of the County needing additional time to relocate the owners agreed to extend the lease through November 30, 2008 and to then continue on a month-to-month basis as needed to allow the County time to find an alternative site and remove and construct a new tower.

The Sutro site was identified as the alternative site for the telecommunication facility. The real property is located at the end of Atlas Peak Road, Assessor's Parcel No. 032-540-024, along with appurtenant access and utility easements and rights. Assessor's Parcel No. 032-020-026 contains an existing private access road providing vehicular and non-vehicular access for both parcels to the public road known as Atlas Peak Road. The initial term of this Lease Agreement is thirty-five (35) years unless earlier terminated or extended under the terms of this Lease Agreement. The monthly lease payment is \$2,000 with an annual adjustment of a sum equal to the percentage change in the San Francisco-Oakland-San Jose All Urban Consumer Price Index (CPI); the rate not to exceed 5%.

The beginning of construction of the Atlas Peak Repeater Station at the Sutro site is targeted for the summer of 2010 and completion is expected by the end of 2010. The station will consist of a 12 foot by 12 foot vault that will contain radio communication equipment and a communication tower that supports radio antenna and microwave equipment. The Atlas Peak site will be a vital part of the County's communication system providing two-way radio coverage to 80% of the valley floor and the southern portion of Lake Berryessa. Without the communication site, emergency services will not be able to function in an effective manner. Two-way radio coverage is used by the Sheriff, County Fire, Public Works, California Department of Forestry and Fire Protection (Cal Fire), California Highway Patrol (CHP), California Department of Transportation (CalTrans), Pacific Gas & Electric (P.G. & E), Vine-Go and the Radio Amateur Civic Emergency Services (RACES). The CHP, CalTrans and P.G.& E. currently sublease space on the tower at the old site. The County will be negotiating new leases for space on the tower at the new site.

#### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi