Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve Amendment No. 1 changing the New Cingular Wireless PCS, LLC lease to read month-to-month.

MEMORANDUM

To:

Mayor McConnell and Assembly Members

Mark Gorman, Municipal Administrator

From:

Michael Harmon, Public Works Director

Gary Baugher Jr., Maint. & Operations Superintendent.

Reviewed:

Robin Koutchak, Municipal Attorney

Date:

May 5, 2014

Subject:

Approve Amendment #1; New Cingular Wireless PCS, LLC; AT&T Cell on Wheels (COW)

Background

AT&T set a temporary Cell Tower; Cell on Wheels (COW) in the back parking lot area of the Kimsham Sports Complex. All circuitry has been ran to the Portable Cell Tower.

The 35' tall, 8ft x 20ft trailer mounted cell antennae was installed as a temporary unit until a permanent location could be found. Any permanent location for a cell tower on CBS property will come back to the Assembly for approval. Typical long term cell tower agreements include monthly payments and access to the tower for City Antennae usage/instrumentation. As part of the lease agreement, CBS retains the utility structure (i.e. electric) and paid for by AT&T. The amended lease agreement will continue to be at the approved \$750 a month payment.

Recommendation:

Approve New Cingular Wireless PCS, LLC Amendment #1 changing the lease to read month to month lease.

AMENDMENT NO. 1 TO LEASE AGREEMENT BETWEEN CITY AND BOROUGH OF SITKA AND NEW CINGULAR WIRELESS PCS, LLC

City and Borough of Sitka, 100 Lincoln Street, Sitka, Alaska 99835 ("Sitka" "or "Lessor") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 12555 Cingular Way, Suite 1300, Alpharetta, GA 30004 ("AT&T" or "Lessee"), agree to amend and modify the Lease Agreement Between the City and Borough of Sitka and New Cingular Wireless PCS, LLC dated June 20, 2013. This lease Amendment No. 1 shall be effective as of September 21, 2013. This Amendment No. 1 amends Sections 1.2 as follows (new language underlined; deleted language stricken):

Section 1.2 Lease Term.

The Term is for three months and commences on June 20, 2013, and ends on September 20, 2013, unless sooner terminated or extended as provided in this Lease. The Term may be extended on a month-to-month basis by written mutual agreement of the Parties, and in accordance with Section 1.3 below, with no further Sitka Assembly approval required.

* * *

All other provisions in the Lease Agreement that are not modified by this Amendment No. 1 remain in full force and effect.

		NEW CINGULAR WIRELESS PCS, LLC A Delaware limited liability company BY: AT&T MOBILITY CORPORATION Its: Manager
		its. Manager
		By:
		Print Name:
		Its:
STATE OF OREGON COUNTY OF WASHINGTON)) ss.	
	. 2014.	, whose identity is personally
known to me or proved to me on the Cingular Wireless PCS, LLC, and af New Cingular Wireless PCS, LLC, and af New Cingular Wireless PCS, LLC, and af New Cingular Wireless PCS, LLC, and the Cingular Wireless PCS,	firms by signing t	, whose identity is personally ctory evidence, signs this Lease on behalf of New this document to be authorized to sign on behalf of and voluntarily.
		Notary Public for Oregon My Commission Expires:

CITY AND BOROUGH OF SITKA

	MARK GORMAN
	Municipal Administrator
STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)
and Borough of Sitka, Alaska, a mu	, 2014, Mark Gorman, Municipal Administrator of Citunicipal corporation organized under the laws of the State of Alaska ffirms by signing this document to be authorized to sign on its behalf
	Notary Public for Alaska My Commission Expires: