

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

  
City Attorney

**RESOLUTION No. 84499 C.M.S.**  
2013 JUN 20 PM 1:25  
Introduced by Councilmember \_\_\_\_\_

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BETWEEN SPRINT SPECTRUM L.P. AND THE OAKLAND ALAMEDA COUNTY COLISEUM AUTHORITY AND CERTAIN RELATED MATTERS, AND AUTHORIZING THE CITY ADMINISTRATOR TO CONSENT TO A WIRELESS SUBLEASE AGREEMENT BETWEEN AT&T, VERIZON WIRELESS, SPRINT SPECTRUM L.P. AND THE OAKLAND ALAMEDA COUNTY COLISEUM AUTHORITY**

**WHEREAS**, Sprint Spectrum L.P. ("Sprint/Nextel") has requested that the Oakland Alameda County Coliseum Authority (the "Authority") enter into a license agreement (the "License Agreement") allowing Sprint/Nextel to construct and join the existing AT&T Distributed Antenna System ("DAS") within the O.Co Coliseum and the Oracle Arena located at the Oakland Alameda County Coliseum Complex ("Coliseum Complex") to enhance Sprint/Nextel cellular service within the Coliseum Complex; and

**WHEREAS**, the Authority's agent, Oakland Coliseum Joint Venture ("OCJV"), has approved the design of the Sprint/Nextel equipment which would connect with the existing DAS; and

**WHEREAS**, Sprint/Nextel will pay all the costs of installation and certain license fees as consideration for installation and use of the DAS; and

**WHEREAS**, AT&T has additionally requested that the Authority approve a sublease to Sprint/Nextel and Verizon to use the existing DAS at the Coliseum Complex under the terms of AT&T's current lease; and

**WHEREAS**, the terms of AT&T's existing lease for the DAS require that the Authority not unreasonably deny or delay consent to such subleases; and

**WHEREAS**, the Authority approved both proposed agreements, contingent on final approval, respectively, by the City of Oakland and the County of Alameda; and

**WHEREAS**, the Authority desires to enter into the License Agreement with Sprint/Nextel and to consent to the sublease requested by AT&T; and

**WHEREAS**, the Management Agreement for the Coliseum Complex requires that the Authority obtain the approval of the City of Oakland and County of Alameda prior to executing such agreements; and

**WHEREAS**, the Authority determines that entering into these agreements is in the best interest of the Authority; and

**WHEREAS**, staff has provided the staff report which accompanies this proposed resolution, recommending to the Oakland City Council that it approve and authorize the execution of the agreements; and

**WHEREAS**, staff has provided a true and correct copy of the License Agreement and the letter consenting to the sublease, as attached to the staff report which accompanies this resolution; and

**WHEREAS**, implementation of the agreements will not have a negative impact on the City of Oakland finances; and

**WHEREAS**, City of Oakland finances will benefit because revenues generated by the License Agreement will be applied to Authority operating expenses, thereby reducing the corresponding amount of funds that the City of Oakland must allocate to fund Authority expenses; now, therefore be it

**RESOLVED:** That the City of Oakland finds, determines, and declares that all the recitals above set forth are true and correct; and be it

**FURTHER RESOLVED:** That the City of Oakland approves and authorizes the execution and delivery by the Authority's Chair of the License Agreement, in substantially the form as presented in the proposed License Agreement attached to the Staff Report accompanying this Resolution, with only those changes that the Authority shall approve. The Authority's secretary is hereby authorized to attest, to the extent required, the License Agreement; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to sign the letter requested by AT&T, consenting to the proposed sublease to Sprint/Nextel and Verizon, to use the existing DAS at the Coliseum Complex under the terms of AT&T's current lease; and be it

**FURTHER RESOLVED:** That the City of Oakland authorizes the Authority to do any and all things and take any and all actions and execute and deliver any and all agreements, and other documents which the Authority may deem necessary or advisable in order to effectuate the purposes of this resolution; and be it

**FURTHER RESOLVED:** That the City of Oakland authorizes and directs the City Administrator, for and on behalf of the City of Oakland, to do any and all things and take any and all actions and execute and deliver any and all agreements and other documents which may be deemed necessary or advisable in order to effectuate the purposes of this resolution.

JUL 2 2013

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

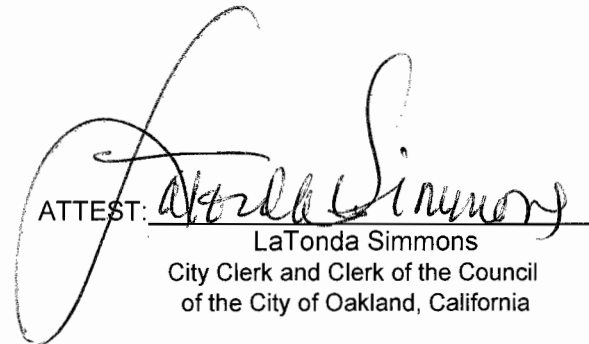
AYES - BROOKS, GALLO, ~~GIBSON McELMONEY~~, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - Gibson McElmonev - 1

ABSTENTION - 0

ATTEST:



LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California