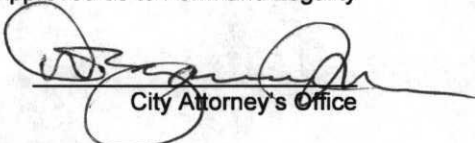


FILED
OFFICE OF THE CITY CLERK
OAKLAND


City Attorney's Office

2014 SEP 11 AM 10:53

OAKLAND CITY COUNCIL

RESOLUTION No. 85182 C.M.S.

Introduced by Councilmember _____

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO LICENSE AGREEMENT BETWEEN GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP, D/B/A VERIZON WIRELESS AND THE OAKLAND ALAMEDA COUNTY COLISEUM AUTHORITY

WHEREAS, the Oakland City Council and Alameda County Board of Supervisors approved, and the Oakland Alameda County Coliseum Authority Board of Commissioners entered into, a License Agreement with GTE Mobilnet of California Limited Partnership, dba Verizon Wireless to permit it to install a Distributed Antenna System (DAS) in the Coliseum Complex in September 2012; and

WHEREAS, GTE Mobilnet of California Limited Partnership, d/b/a Verizon Wireless ("Verizon") has requested that the Oakland Alameda County Coliseum Authority (the "Authority") enter into a first amendment to license agreement (the "Amendment") adding additional space for equipment to be installed under the License Agreement previously approved by the Authority that allowed Verizon to install a distributed antenna system ("DAS") within the arena located at the Oakland Alameda County Coliseum Complex to enhance Verizon cellular service within the stadium, and has agreed to pay the Authority an increase in license fees of two thousand four hundred dollars per year (\$2,400); and

WHEREAS, the Authority's agent, AEG Oakland Management, LLC ("AEG"), has approved allocating the additional space; and

WHEREAS, the Management Agreement between the Authority, the City of Oakland (the "City") and the County of Alameda (the "County") requires that the Authority obtain the approval of the City and County prior to entering into any license agreement or amendment thereto; and

WHEREAS, the Authority desires to enter into the Amendment; and

WHEREAS, the Authority determines that entering into the Amendment 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 Amendment; and

WHEREAS, staff has provided a true and correct copy of the First Amendment to the License Agreement; and

WHEREAS, implementation of the First Amendment to the Lease Agreement 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 First Amendment to 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 First Amendment to 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; and be it

FURTHER RESOLVED: That The Authority's secretary is hereby authorized to attest, to the extent required, the First Amendment to the License Agreement; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

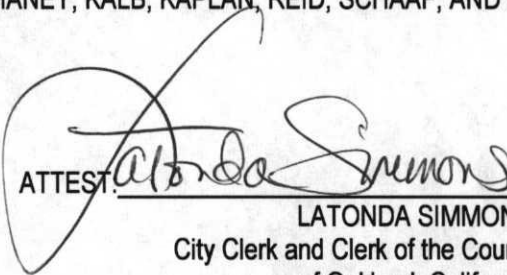
SEP 23 2014

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT
KERNIGHAN - 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST


LATONDA SIMMONS
City Clerk and Clerk of the Council of the City
of Oakland, California