



CITY OF POMONA COUNCIL REPORT

November 18, 2024

To: Honorable Mayor and Members of the City Council

From: Anita Gutierrez, City Manager

Submitted By: Rene Guerrero, Public Works Director

SUBJECT: APPROVAL OF FIRST AMENDMENT TO CELL TOWER LICENSE AGREEMENT AT 1400 E. MISSION BOULEVARD

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Approve the First Amendment to the Cell Tower License Agreement between the City of Pomona and CCTM1 LLC at 1400 E. Mission Boulevard; and
- 2) Adopt the following resolution:

RESOLUTION NO. 2024-192 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AMENDING THE FISCAL YEAR 2024-25 OPERATING BUDGET BY INCREASING REVENUE ESTIMATES BY \$4,000 IN CELL TOWER REVENUE

- 3) Authorize the City Manager, or her designee, to execute the amendment subject to review by the City Attorney

EXECUTIVE SUMMARY:

Adoption of the Resolution (Attachment No.1) will increase revenue estimates by \$4,000 as a result of the approval of the First Amendment (Attachment No. 2) to the Cell Tower License Agreement. This amendment will allow the Licensee, CCTM1 LLC, to sublicense a portion of the site to Dish Wireless, LLC. This will result in additional revenue to the City of \$500 per month.

SB1439/GOVERNMENT CODE §84308 APPLICABILITY:

When this box is checked, it indicates the agenda item is subject to the Levine Act SB1439 requirements. Councilmembers are reminded to check their campaign contributions and determine whether they have received a campaign contribution of \$250 or more that would require disclosure

and/or recusal from discussing or acting on this agenda item. Campaign contributions of \$250 or more made 1) by any person or entity who is identified in the agenda report as the applicant or proposer or 2) on behalf of the applicant or participant, including a parent, subsidiary or otherwise related business entity, or 3) by any person who has a financial interest in the agenda item requires a councilmember to comply with SB1439.

FISCAL IMPACT:

The City will receive \$500 per month in revenue as a result of the sublicense agreement with Dish Wireless, LLC to be deposited into 101-9999-40021-00000, as well as, a one-time administrative fee of \$2,500. The \$500 revenue will increase with the Consumer Price Index (CPI).

DISCUSSION:

The City of Pomona is a successor in interest to the original lessor, Gene Stalians, Trustee of the Gene Stalians 1989 Trust for the benefit of Gene Stalians and SBC Tower Holdings, LLC, a Delaware limited liability company, successor in interest to Pacific Bell Mobile Services, a California corporation that the City entered into an agreement with in 1995. This original agreement will expire forever with no further renewal terms on July 8, 2026. On June 21, 2019, via a License Agreement, the current Licensee leased the property from the City to be used for the purpose of constructing, maintaining, and operating a communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, and any related improvements and structures and uses incidental thereto for a 31-year term that expires on June 20, 2050.

The Licensee is seeking to sublicense a portion of the premises to Dish Wireless, LLC, necessitating the First Amendment to the License Agreement. Approval of the First Amendment will result in additional revenue for the City in the amount of \$500 per month plus annual CPI increases. The City Attorney has reviewed and approved the attached First Amendment.

Prepared by:

Shandy Dittman
Public Works Fiscal and Project Manager

ATTACHMENT(S):

Attachment No. 1 – Resolution No.2024-192
Attachment No. 2 – First Amendment to License Agreement