

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL  
AUTHORIZING THE CITY MANAGER TO EXECUTE AN ANTENNA  
GROUND LEASE AGREEMENT BETWEEN THE CITY OF CUPERTINO  
AND T-MOBILE WEST TOWER LLC FOR AN EXISTING CELL TOWER AT  
THE CUPERTINO SERVICE CENTER, 10555 MARY AVENUE.**

WHEREAS, the City Council has considered a request for an Antenna Ground Lease agreement between the City of Cupertino and T-Mobile West Tower LLC, for the lease of facilities located at the Cupertino Service Center, 10555 Mary Avenue; and

WHEREAS, the provisions, terms, and conditions of the Antenna Ground Lease agreement have been reviewed and approved by the City Attorney and City Manager; and

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the City Manager to execute the Antenna Ground Lease, as presented to Council, on behalf of the City of Cupertino.

BE IT FURTHER RESOLVED that this Resolution is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment. CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the Lease Agreement would have no impact on the environment because it merely provides updated lease terms for an existing facility. The foregoing determination is made by the City Council in its independent judgment.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 18<sup>th</sup> day of June, 2019, by the following vote:

Resolution No. \_\_\_\_\_

Page 2

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST: _____ Grace Schmidt, City Clerk	_____ Date