

C-10

December 13, 2022

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager, or designee, to execute all documents necessary for three new Communications Site Leases with New Cingular Wireless PCS, LLC, a Delaware limited liability company that is a wholly-owned, indirect subsidiary of AT&T, Inc., as successor by assignment by the Los Angeles Regional Interoperable Communications System (LA-RICS), for the continued operation and maintenance of wireless telecommunication antennas and accessory equipment located on City of Long Beach (City)-owned Property located at Fire Station 5, Fire Station 12, and Long Beach Police Department Headquarters as replacement agreements for Site Access Agreement Nos. 33910 and 33911 with LA-RICS supporting the Public Safety Broadband Network. (Districts 1, 4, 9)

DISCUSSION

On March 17, 2015, the City Council authorized Site Access Agreement Nos. 33910 and 33911 (Site Access Agreements) with the Los Angeles Regional Interoperable Communications System (LA-RICS) to install network antennas on existing City-owned communication infrastructure to support the Public Safety Broadband Network. The Disaster Preparedness and Emergency Communications Department coordinated and facilitated the Site Access Agreements with LA-RICS, which is an integrated system serving the Los Angeles County region through voice and data radio communications systems. LA-RICS is made up of two independent systems: the Public Safety Broadband Network Long-Term Evolution (LTE- data) and the Land Mobile Radio (LMR) systems. The City currently has LA-RICS LTE-data systems atop three (3) City-owned public safety facilities at Fire Station 5, Fire Station 12, and the Long Beach Police Department Headquarters (collectively "Communications Sites") (Attachments).

In 2021, the LTE-data system was assigned from LA-RICS to a third-party cellular operator, New Cingular Wireless PCS, LLC, a wholly-owned, indirect subsidiary of AT&T, Inc. (AT&T), which then assumed contractual responsibility for the maintenance and operation of the Communications Sites. In 2022, AT&T notified the City, in its capacity as Landlord, of the intent to incorporate the LTE-data system into AT&T's consumer network when not being used for public safety purposes. This use would constitute a non-public safety use of the City's public safety infrastructure, which necessitates new individual Communications Site Leases for each Communications Site.

To allow AT&T to continue to operate and maintain the Communications Sites, three (3) Communications Site Leases have been negotiated with the following Terms and Conditions:

- Landlord: City of Long Beach, a municipal corporation.
- Tenant: AT&T Mobility, LLC, a Delaware limited liability company.
- Premises: Communications Sites consisting of existing rooftop-mounted network antennas atop City-owned public safety facilities located at 7575 East Wardlow Road, commonly known as Fire Station 5; 1199 East Artesia Boulevard, commonly known as Fire Station 12; and 400 West Broadway, commonly known as Long Beach Police Department Headquarters. Each Communications Site shall be governed by individual Leases.
- Initial Term: The Initial Term of the Leases shall be for five (5) years each, commencing upon the date of full Lease execution; or January 1, 2023, whichever comes first (Commencement Date); and terminate on the fifth (5th) anniversary of the Commencement Date.
- Renewal Options: The Tenant will have four (4) consecutive five (5) year renewal options.
- Annual Rent: Within 30 days of the Commencement Date, the Tenant will pay the City an initial Annual Rent of \$45,000 per Communications Site, or \$135,000 annually for all three Communications Sites.
- Rental Adjustments: On the second anniversary of the Commencement Date and every year thereafter, Annual Rent will increase by five percent (5%).
- Co-location Rent: In addition to Annual Rent, the City will receive monthly Co-location Rent from the Tenant in an amount equal to forty percent (40%) of the rents received by the Tenant for the use of any portion of the Premises by any subtenant(s), licensee(s) and/or co-locator(s).
- Restricted Access to the Premises: Given the secure nature of the Communications Sites' locations within City public safety facilities, access will be controlled by the City at its sole discretion and subject to additional possible security measures where applicable.

This matter was reviewed by Principal Deputy City Attorney Richard F. Anthony on November 17, 2022 and by Budget Operations and Development Officer Rhutu Amin Gharib on November 28, 2022.

TIMING CONSIDERATIONS

City Council action is requested on December 13, 2022, to allow AT&T to continue to operate and maintain the Premises and incorporate the LTE data system into its consumer network.

FISCAL IMPACT

Beginning in Fiscal Year 2023 (FY 23), the Tenant will pay the City rent in the amount of \$45,000 annually per Lease per Communications Site, for an annual total of \$135,000. Annual rental payments for FY 23 in the amount of \$135,000 will accrue to the General Fund Group in the Fire Department and Police Department, in amounts of \$90,000 and \$45,000, respectively. Annual rental payments in subsequent Lease Years will be subject to automatic rent escalators of 5 percent per Lease Year. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



BO MARTINEZ
DIRECTOR OF ECONOMIC DEVELOPMENT



REGINALD I. HARRISON
DIRECTOR, DISASTER PREPAREDNESS
AND EMERGENCY COMMUNICATIONS



XAVIER ESPINO
FIRE CHIEF



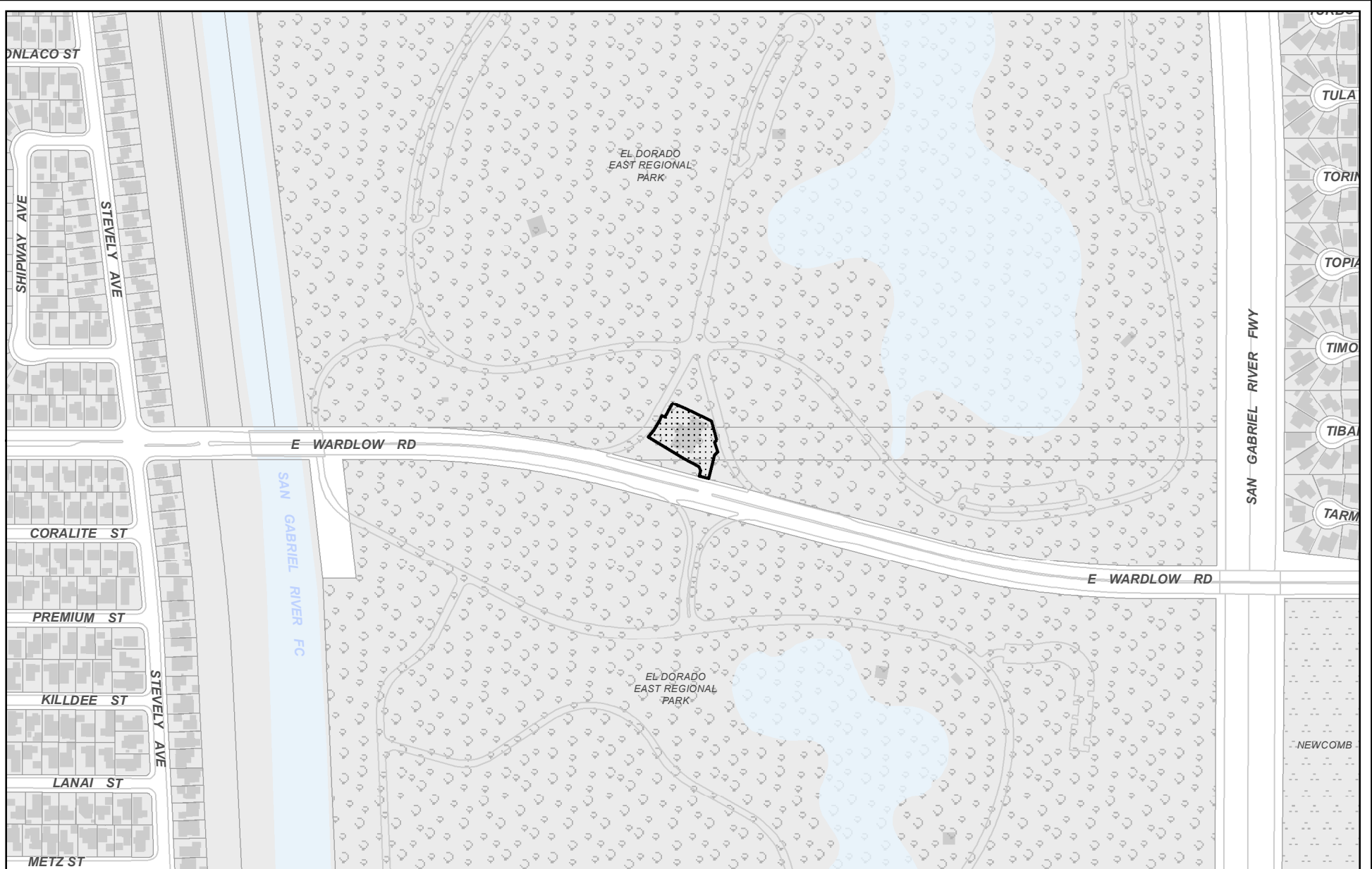
WALLY HEBISH
CHIEF OF POLICE

ATTACHMENTS: PREMISES

APPROVED:

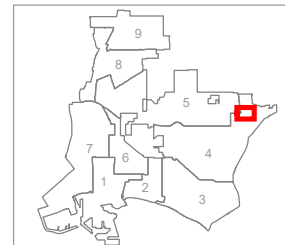


THOMAS B. MODICA
CITY MANAGER



Subject Property:
Fire Station 5
(7575 E Wardlow Rd)
Council District : 4

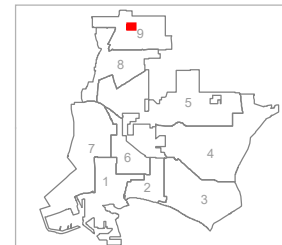
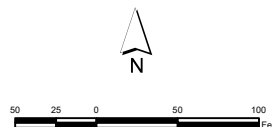
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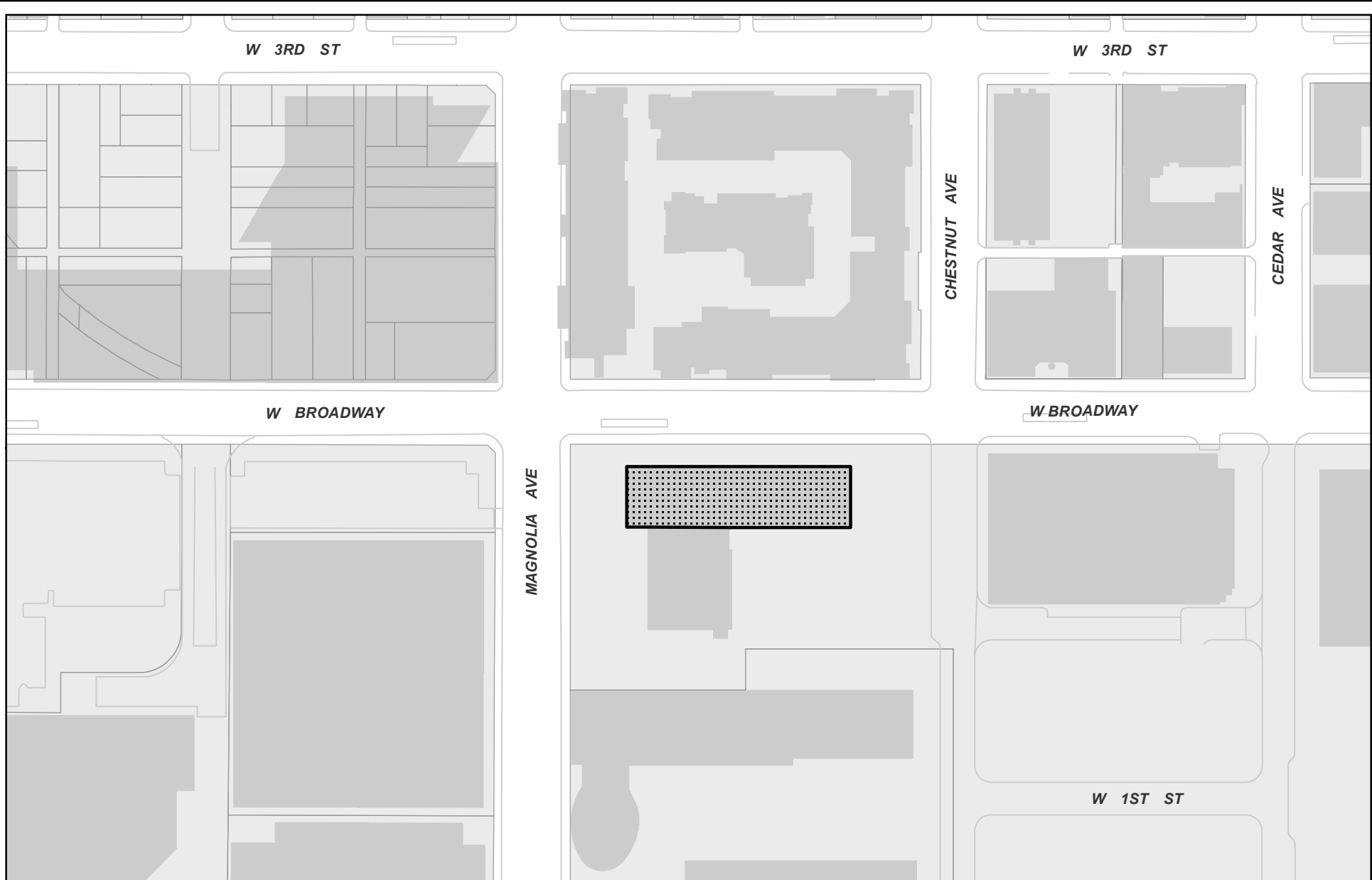




Subject Property:
Fire Station 12
1199 E Artesia Blvd
Council District : 9

Attachment





Subject Property:
Long Beach Police Headquarters
400 W Broadway
Council District : 1

Attachment

