



## Legislation Text

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**File #:** 22-1392, **Version:** 1

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Recommendation to authorize City Manager, or designee, to execute all documents necessary for the Fourth Amendment to Communications Site Lease No. 29538 with New Cingular Wireless PCS, LLC, a Delaware limited liability company (Lessee), for the continued operation and maintenance of wireless telecommunication antennas and accessory equipment on the roof of the Long Beach Senior Center located at 1150 East Fourth Street. (District 2)

On February 14, 2006, the City Council authorized the City Manager to enter into Communications Site Lease No. 29538 (Lease) for the installation and maintenance of wireless communications antennas and accessory equipment cabinets on the roof of the Long Beach Senior Center, located at 1150 East Fourth Street. The initial term of the Lease was for five (5) years commencing March 1, 2006 through February 28, 2011. The Lease also included three five-year options to renew, which have all been exercised extending the Lease through February 28, 2026.

The Lessee desires to amend the Lease to include three additional five-year options to renew (Renewal Options), potentially extending the Lease through February 28, 2041, if all Renewal Options are exercised. As part of the proposed amendment, base rent will be increased by the Consumer Price Index (CPI) (All Urban Consumers) for the Los Angeles-Riverside-Orange County, California area. The adjustment will be no less than 3 percent and no greater than 8 percent.

The proposed Fourth Amendment to Communications Site Lease No. 29538 contains the following major terms and provisions:

- Premises: Antennas and accessory equipment on the roof at 1150 East Fourth Street.
- Landlord: City of Long Beach.
- Lessee: New Cingular Wireless PCS, LLC, a Delaware limited liability company.
- Term: The current term is scheduled to expire on February 28, 2026.
- Renewal Options: The Lessee will now have three additional five-year options to renew.
- Termination: Either party may terminate this Lease at any time with one hundred eighty (180) days written notice to the other party. In the event Lessee terminates this Lease other than as a result of a default by City, then the entire unpaid Annual Rent for the

balance of the Renewal Term shall be immediately due and payable to City.

- Rental Adjustments: Base rent will be increased by the Consumer Price Index (CPI) (All Urban Consumers) for the Los Angeles-Riverside-Orange County, California area. The adjustment will be no less than 3 percent and no greater than 8 percent.

This matter was reviewed by Principal Deputy City Attorney Richard F. Anthony on November 1, 2022 and by Budget Operations and Development Officer Rhutu Amin Gharib on November 14, 2022.

City Council action is required on December 6, 2022, to memorialize the Fourth Amendment in a timely manner.

On the first Renewal Term under the Fourth Amendment, which commences on March 1, 2027, Lessee will pay the City annual rent in the amount of approximately \$46,350, to be determined by CPI increases. Subsequent annual rent payments will be subject to automatic CPI increases. All lease revenues derived from the rental payments will accrue to the General Fund Group in the Parks, Recreation, and Marine Department. 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.

Approve recommendation.

BO MARTINEZ  
DIRECTOR OF  
ECONOMIC DEVELOPMENT

BRENT DENNIS  
DIRECTOR OF PARKS,  
RECREATION AND MARINE

APPROVED:

THOMAS B. MODICA  
CITY MANAGER