



Legislation Text

File #: 06-0124, **Version:** 1

Recommendation to authorize City Manager to execute a lease with New Cingular Wireless PCS, LLC, for the installation of wireless communication antennas and accessory equipment cabinets on the roof of the Long Beach Senior Center, located at 1150 East 4th Street, for a term of five years with three five-year options for renewal, subject to the sole discretion of the City Manager. (District 2)

Last year, New Cingular Wireless PCS (Cingular) contacted the City with a proposal for the placement of cellular equipment on the roof of the Long Beach Senior Center, located at 1 150 East 4th Street. Cingular's scouting representative had identified the site as a quality location to help improve service to their customers. The proposed installation includes the wireless communication panel antennas and accessory equipment cabinets, which will be set back from the building roofline and screened to shield them from view.

Cingular's plans have been reviewed and approved by the Department of Parks, Recreation and Marine (Department) and the Department of Planning and Building. The following proposed major terms and conditions are the product of negotiations with Cingular's representative and information obtained from an informal cellular antenna survey conducted last summer by the Contract Management and Revenue Development Division staff within the Department of Parks, Recreation and Marine. Lease Premises: An area not to exceed 24 feet x 16 feet on the roof of the Long Beach Senior Center.

1.Roof Improvements: Twelve (12) cellular and wireless communication panel antennas (6 feet tall by, 15 inches wide by 6.5 inches deep) plus nine (9) accessory equipment cabinets. The improvements will be setback approximately 29 feet from the roofline and will be screened to shield the improvements from view.

2.Access: Tenant may have access to the premises, subject to advance clearance from the Department.

3.Term: An initial term of five (5) years, with three (3) five-year options for renewal, subject to the sole discretion of the City Manager.

4.Rent: Tenant shall pay the rental amount of \$24,000 for the first year of the initial term (base rent). Each year thereafter, tenant will pay the base rent, plus any increase in the Consumer Price Index (CPI) (All Urban Consumers) for the Los

5.Angelos-Riverside-Orange County, California area. The CPI statistical data reported three months prior to the month of the contract expiration will be used to calculate the rental adjustment of each consecutive contract year. The adjustment will be no less than 3 percent and no greater than 8 percent. The first

annual rental payment shall be made concurrent with the execution of the lease.

6.Donation: Concurrent with the execution of the lease, tenant will make a \$40,000 donation to Partners of Parks for the benefit of the Long Beach Senior Center.

7.Maintenance: The tenant is responsible for maintenance of the leased premises.

8.Utilities: The tenant is responsible for payment of its utilities.

9.Early Termination: If tenant leaves before the completion of the initial term or any term renewal, the rent due for the remainder of the term will be paid immediately to the City. The rental adjustment for the remaining years of the term will be calculated at a minimum of 3 percent. The tenant will be responsible for the removal of all equipment at the end of the expiration of the contract, restoring the facility to its original condition before installation.

10.Vandalism/Graffiti: Tenant will build in protections against vandalism and graffiti. Tenant is responsible for immediate repair of vandalism and graffiti removal at the leased premises.

This matter was reviewed by Deputy City Attorney Everett Glenn on February 2, 2006, and Budget Management Officer David Wodynski on February 1,2006.

City Council action is requested on February 14, 2006, to allow the execution of a lease and to enable the tenant to begin the installation of the antennas and equipment.

In the first year of the initial lease term, the tenant will pay the City rent in the amount of \$24,000 and make a one-time \$40,000 donation to Partners of Parks. Subsequent rent payments will be subject to automatic CPI increases. All lease revenues derived from rental payments will be deposited into a trust account in the General Fund (GP) in the Department of Parks, Recreation and Marine (PR). The account funds will be expended for future purchases, programming, maintenance, operations, and improvement of grounds, buildings, and structures at the Long Beach Senior Center, and for parks and park facilities within the greater Alamitos Beach neighborhood area.

Approve recommendation.

NAME
TITLE
PHIL T. HESTER
DIRECTOR OF PARKS, RECREATION & MARINE

APPROVED:

GERALD R. MILLER

CITY MANGER