



Legislation Text

File #: 05-3210, **Version:** 1

Recommendation to authorize City Manager to execute a lease with Sprint PCS Assets, LLC, for the installation of a mobile phone antenna 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 to renew, subject to the sole discretion of the City Manager. (District 2)

Sprint PCS Assets, LLC, (Sprint) has contacted the City with a proposal for the installation of six panel-type mobile phone antennas and equipment cabinets on the roof of the Long Beach Senior Center, located at 1150 East 4th Street. The proposed installation would be set back from the front of the building and the equipment cabinets will be enclosed with a screen wall to shield the improvements from view. The plan has been reviewed and approved by the Department of Parks, Recreation and Marine and the Department of Planning and Building.

The following proposed major terms and conditions are the product of negotiations with Sprint's representative and information obtained from an informal cellular antenna survey conducted by staff.

1. Lease Premises: An area not to exceed 20 feet x 10 feet on the roof of the Long Beach Senior Center.
2. Roof Improvements: Six (6) panel-type antennas (six feet tall by five inches wide by four inches deep), plus four (4) outdoor cabinets for radios and batteries, and the construction of a screen wall enclosure to shield the cabinets from view.
3. Access: Tenant may have access to the premises, subject to advance clearance from the Department.
4. 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.
5. Rent: Lessee shall pay the rental amount of \$24,000 for the first year of the initial term (base rent). Each year thereafter, lessee will pay the base rent, plus any increase in the Consumer Price Index (CPI) (All Urban Consumers) for the Los Angeles-Riverside-Orange County, California area. The CPI statistical data reported in the month of January will be used to calculate the increase for the rental adjustment in the first month of each consecutive contract year. The adjustment will be no less than 3 percent and no greater than 8 percent. The first rental payment shall be made concurrent with the execution of the lease. Possible uses of the revenue will be for maintenance of parks and open space in the adjoining neighborhood, an/or to improve areas of deficiency, such as, but not limited to, children's programming and park landscaping and amenities at Miracle on 4th Street Park and at other parks.
6. Donation: Concurrent with the execution of the lease, lessee will make a \$39,000 donation to Partners of Parks for the benefit of the Long Beach Senior Center.
7. Maintenance: The lessee is responsible for maintenance of the leased premises.
8. Utilities: The lessee is responsible for payment of its utilities.

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

10. Vandalism/Graffiti: Lessee will build in protections against vandalism and graffiti. Lessee 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 September 8, 2005, and Budget Management Officer David Wodynski on September 12, 2005.

City Council action is requested on September 20, 2005 to allow the execution of a lease and to enable the lessee to begin improvements for the installation of the antenna tower.

In the first year of the initial lease term, the lessee will pay the City \$24,000. The revenue will accrue to the General Fund (GP) in the Department of Parks, Recreation and Marine (PR). The \$39,000 donation will be made directly to Partners of Parks, the use of which will be coordinated and approved by the Department of Parks, Recreation and Marine.

Approve recommendation.

[Enter Body Here]

[Respectfully Submitted,]