



## Legislation Text

File #: ORD 2019-035, Version: 1

### AGENDA ITEM REPORT

#### TITLE:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, A WHOLLY OWNED SUBSIDIARY OF AT&T MOBILITY CORPORATION, TO LEASE CERTAIN SPACE WITHIN THE CITY'S WINSTON PARK FOR AN INITIAL TERM OF TEN (10) YEARS WITH THE TENANT'S RIGHT TO EXTEND FOR THREE (3) SUCCESSIVE FIVE (5) YEAR PERIODS UNDER SPECIFIC TERMS AND CONDITIONS. (SECOND READING) (PUBLIC HEARING)

#### BACKGROUND:

**This item was approved on First Reading at the September 26, 2019, City Commission Meeting.**

In 2008, the City executed a lease agreement with T-Mobile that, among other things, provided for the construction of a monopine, which is a telecommunications tower that looks like a pine tree, and the lease of space both on the tower and adjacent to it, located within the City's Winston Park. Since that time, T-Mobile has been the only tenant occupying space on that City-owned tower. Recently, the City's Tower Manager was contacted by AT&T to negotiate the terms and conditions of its occupancy on that tower to enhance its service in that area.

#### DISCUSSION:

Over the years, the City has become aware of a service gap for AT&T customers in that area, and believes that AT&T's occupancy on the City's tower may alleviate some of those residents' concerns. Both the City's Tower Manager, CityScape Consultants, Inc., and City staff have spent several months negotiating and site planning with AT&T, and propose the attached lease agreement. It provides for an initial term of ten (10) years, with automatic extensions of three (3) successive five (5) year periods. In addition, the City, through its Tower Manager, is entitled to \$36,500 per year payable in equal monthly installments, with an automatic annual increase of three percent (3%), beginning at the appointed Commencement date.

#### RECOMMENDATION:

Staff recommends approval of this ordinance.

#### FISCAL IMPACT:

|               |           |
|---------------|-----------|
| REVENUES:     | \$ 36,500 |
| EXPENDITURES: | \$ 0      |

**BUDGETED?** No

**NOTES:** Account No. 01-V36220, Tower Leases.