



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

CONSENT
November 9, 2010

**Honorable Mayor and
Members of the City Council**

Title: Agreement: Issuance of Revocable Permit at North Laguna Creek Park

Location/Council District: 6400 Jacinto Avenue / Council District 8

Recommendation: Adopt a **Resolution** 1) authorizing the City Manager or the City Manager's designee to execute a ten-year Agreement for Issuance of a Revocable Permit with one ten-year renewal option with Clear Wireless LLC for installation and maintenance of communications equipment at the North Laguna Creek Park; and 2) authorizing the City Manager or the City Manager's designee to establish the necessary financial accounts needed for the administration of the Neighborhood Enhancement Program/Project that will be funded from the proceeds of this agreement.

Contacts: Bill Sinclair, Program Manager, 808-1905; Mary de Beauvieres, Principal Planner, 808-8722

Presenters: Not applicable

Department: General Services

Division: Facilities and Real Property Management

Organization No: 13001551

Description/Analysis

Issue: Clear Wireless LLC desires to improve its cellular phone network has submitted a request to locate wireless telecommunication facilities at the North Laguna Creek Park site. Subject to City Council approval, a ten-year agreement with one ten-year renewal option for Issuance of a Revocable Permit has been negotiated with Clear Wireless LLC. The installation will improve cellular reception in the area. The telecommunication improvements consist of three panel antennae, three parabolic dishes, one GPS antenna mounted on an existing lattice tower and placement of related equipment within an enclosed 10 square foot equipment shelter.

Policy Considerations: The recommendations included in this report are consistent with City Code, Section 3.76 and the City Strategic Plan goals of Public Safety, Economic Development, and Sustainability and Livability.

Committee/Commission Action: On March 4, 2010, the Parks and Recreation Commission considered placement of the facility in the park and recommended approval on a vote of 10 to 1. On March 25, 2010, the Planning Commission approved the Special Permit and the finding that the project is categorically exempt.

Environmental Considerations:

California Environmental Quality Act (CEQA): The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of CEQA under Class 1, Section 15301. Projects exempted under Class 1, Section 15301 consist of the repair, operation or minor alteration to existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Sustainability Considerations: Not applicable

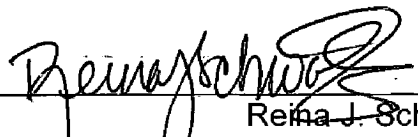
Rationale for Recommendation: The recommendations in this report will improve cellular service for the City's business community, residents, and visitors. The applicant has met all requirements of City Code, Section 3.76, for telecommunication facilities located on City owned property. This installation will be consistent with other telecommunication facilities located on the same structure.

Financial Considerations: One hundred percent of the proceeds collected from Clear Wireless LLC for the permit located at the North Laguna Creek Park shall be allocated to the Neighborhood Enhancement Program. The primary business terms of the permit are as follows:

- One-time fee of \$18,000 for installation of wireless telecommunication equipment.
- First year permit fee of \$18,000.
- Annual permit fee adjustment of four percent
- Ten-year initial term.
- One ten-year renewal option.
- Clear Wireless LLC will pay for all costs of installation, maintenance of its facility and for damage, if any, to City property resulting from the installation.
- Upon termination of the final term, Clear Wireless LLC will remove all facilities and make all necessary repairs.
- Clear Wireless LLC has purchased and deposited with the City a Removal Permit Bond for the sum of \$30,000 to insure removal of telecommunications equipment at the end of the final term.


Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this report.

Respectfully Submitted by: 
Rhonda Lake
Facilities & Real Property Superintendent

Approved by: 
Reina J. Schwartz
Director, Department of General Services

Approved by: 
James L. Combs
Director, Department of Parks and Recreation

Recommendation Approved:


Gus Vina
Interim City Manager


APPROVED AS TO FORM:

CITY ATTORNEY

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RESOLUTION NO. 2010-XXXX

Adopted by the Sacramento City Council

November 9, 2010

AUTHORIZING AN AGREEMENT FOR ISSUANCE OF A REVOCABLE PERMIT WITH CLEAR WIRELESS LLC FOR WIRELESS FACILITIES AT NORTH LAGUNA CREEK PARK

BACKGROUND

- A. Clear Wireless LLC desires to improve its cellular phone network and has submitted a request to locate wireless telecommunication facilities at the North Laguna Creek Park site.
- B. An Agreement for Issuance of a Revocable Permit has been negotiated with Clear Wireless LLC for installation of communication equipment at the North Laguna Creek Park. The initial term of the agreement is ten years, with one ten-year renewal option. Permit fees begin at \$18,000 per year with annual increases of four percent. All costs of installation and maintenance of equipment are the responsibility of Clear Wireless LLC.
- C. One hundred percent of the proceeds collected from the permit with Clear Wireless LLC shall be allocated to the Neighborhood Enhancement Program.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Manager or the City Manager's designee is hereby authorized to execute a ten-year Agreement for Issuance of a Revocable Permit with one ten-year renewal option with Clear Wireless LLC for installation and maintenance of communications equipment at the North Laguna Creek Park.
- Section 2. The City Manager or the City Manager's designee is authorized to establish the necessary financial accounts needed for the administration of the Neighborhood Enhancement Program/Project that will be funded from the proceeds of this agreement.

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Construction Drawings

