



## Legislation Details (With Text)

<b>File #:</b>	21-422	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Contract	<b>Status:</b>		Consent Agenda	
<b>File created:</b>	6/8/2021	<b>In control:</b>		City Council	
<b>On agenda:</b>	9/14/2021	<b>Final action:</b>			
<b>Title:</b>	To Approve the Fifth Amendment to the License Agreement with T-Mobile South, LLC, Successor in Interest to APT Tampa/Orlando, Inc...				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. A2C0020A - Partially executed Amendment #5.pdf, 2. T-Mobile South, LLC Original Lease.pdf, 3. T-Mobile South, LLC Amendment #1.pdf, 4. T-Mobile South, LLC Amendment #2.pdf, 5. T-Mobile South, LLC Amendment #3.pdf, 6. T-Mobile South, LLC Amendment #4.pdf				

Date	Ver.	Action By	Action	Result
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## CITY COUNCIL AGENDA ITEM

Memo Date: June 8, 2021  
Agenda Date: September 14, 2021  
Prepared By: Katherine D. Ennis, P.E., Deputy Utilities Director  
Through: John A. Walsh, P.E., Utilities Director  
Requested Action:  
To Approve the Fifth Amendment to the License Agreement with T-Mobile South, LLC, Successor in Interest to APT Tampa/Orlando, Inc.

### **BACKGROUND:**

The City is party to an existing License Agreement for Wireless Communication Antenna on Existing Water Tower ("Lease") with APT Tampa/Orlando, Inc. dated August 11, 1997, wherein the City agreed to lease certain City property to APT Tampa/Orlando, Inc. for the construction, operation, and maintenance of a telecommunications tower.

The Lease was set to expire on July 28, 2012. MD7, on behalf of T-Mobile South, LLC, negotiated with the City to propose a slight reduction in rent obligations and an extension of the Lease for an additional initial term of five (5) years commencing on July 1, 2012, with the option to automatically extend the term for two (2) additional five (5) year terms without further action by the Licensee. The end of the first five-year extension is July 1, 2022.

On October 26, 2010, City Council approved the First Amendment to this Agreement providing for the rent reduction and term extension.

On December 13, 2016, City Council approved the Second Amendment to the License Agreement to

add an additional six (6) pieces of equipment to the current Lease to include three (3) antennas and three (3) radios.

On January 9, 2019, City Council approved the Third Amendment to the License Agreement to install a 15KW generator with a 211 gallon tank on a 5' x 8' pad.

On March 8, 2021, City Council approved the Fourth Amendment to the License Agreement to remove six (6) existing radios, replace three (3) antennas and three (3) radios, and add one (1) box/hybrid cable combo.

Staff is requesting City Council approval of the Fifth Amendment to the License Agreement with T-Mobile to replace six (6) antennas, three (3) radios, and four (4) equipment cabinets. (See Exhibit 5-A attached). The additional facilities are the property of T-Mobile and not a third party carrier.

This addendum will not affect the current rental rates associated with this Agreement.

**STRATEGIC PLAN CONNECTION:**

N/A

**BUDGETARY IMPACT:**

Budgeted	Yes
If not budgeted, is amendment/transfer attached?	N/A

Cell tower lease and rental revenue is budgeted in FY2021 in the General Fund Rentals and Leases Account # 001-0000-362.00-00. This amendment does not alter the current rental rates.

**PREVIOUS ACTION:**

On October 26, 2010, City Council approved the First Amendment to the License Agreement providing for the rent reduction and term extension.

On December 13, 2016, City Council approved the Second Amendment to the License Agreement.

On January 9, 2019, City Council approved the Third Amendment to the License Agreement.

On March 8, 2021, City Council approved the Fourth Amendment to the License Agreement.

**RECOMMENDED MOTION:**

To Approve the Fifth Amendment to the License Agreement with T-Mobile South, LLC, Successor in Interest to APT Tampa/Orlando, Inc.