

Memorandum

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CITY SECRETARY
DALLAS, TEXAS

CITY OF DALLAS

Date February 20, 2014
To Rosa A. Rios, City Secretary
Subject Correction to Council Resolution # 13-1849

This memorandum is to correct the vendor number for council resolution # 13-1849 approved by the City Council on October 23, 2013. The resolution was awarded to American Towers LLC or its successors.

SECTION 4 of the Resolution should be corrected as follows:

November 1, 2013 – September 30, 2014: Fund 0191, Dept DSV Unit 2911, Object Code 3110, Encumbrance No. DSV14FAIRTOWR, Commodity Code 97100, Vendor No. VS0000080792.

October 1, 2014 – October 31, 2023: Fund TBD, Dept DSV Unit TBD, Object Code TBD, Encumbrance No. TBD, Commodity Code 97100, Vendor No. 519066.

If you have any questions, please contact Janice L. Peters via email at janice.peters@dallascityhall.com or phone at (214) 670-4559.

William Finch, Chief Information Officer\Director
Communications and Information Services

c: CIS Contract Management

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a license agreement (the "License") between American Towers LLC, a Delaware limited liability company, or its successor and assigns, as licensor, hereinafter referred to as "Licensor", and the City of Dallas, as licensee, hereinafter referred to as "City" for approximately 14,895 square feet of ground space and tower space located 2833 Remond Avenue, Dallas, Dallas County, Texas ("Premises") to be used by the Communication and Information Services Department.

SECTION 2. That the special terms and conditions of the license are:

- a) The license is for a term of ten (10) years beginning November 1, 2013 and ending October 31, 2023.
- b) Monthly license payments during the term shall be as follows (subject to annual appropriations):

November 1, 2013 – October 31, 2014	\$5,800.00 per month
November 1, 2014 – October 31, 2015	\$6,032.00 per month
November 1, 2015 – October 31, 2016	\$6,273.28 per month
November 1, 2016 – October 31, 2017	\$6,524.21 per month
November 1, 2017 – October 31, 2018	\$6,785.18 per month
November 1, 2018 – October 31, 2019	\$7,056.59 per month
November 1, 2019 – October 31, 2020	\$7,338.85 per month
November 1, 2020 – October 31, 2021	\$7,632.40 per month
November 1, 2021 – October 31, 2022	\$7,936.70 per month
November 1, 2022 – October 31, 2023	\$8,254.17 per month

The license payments shall begin November 1, 2013.

- c) Licensor grants City reasonable access to the Premises for the purpose of installing and maintaining the approved equipment and its appurtenances.
- d) City shall be granted two (2) five-year options to renew the term of the license by giving written notice of intent to extend not later than one hundred eighty (180) days prior to the expiration of the then current term.
- e) City shall provide Licensor an as-built or construction drawings showing the approved equipment as installed in both hard copy and electronic form within forty-five (45) days following the commencement of the installation of the approved equipment. In the event City fails to deliver the construction drawings, Licensor shall assess a fee for such construction drawings in an amount equal to one-hundred twenty (120) percent of the actual cost of obtaining the construction drawings, which upon invoicing shall become immediately due and payable by City.

- f) City is responsible for the reporting and payment when due of any tax, including, but not limited to, any property taxes Licensor may be obligated to pay under the license.
- g) City shall be responsible for reimbursing Licensor for their pro-rata share of all common expenses incurred by Licensor in the installation, operation, maintenance and repair of the tower, including, but not limited to, the construction, maintenance and repair of a common septic system and field, insurance, common utilities and any and all other costs of operating and maintaining the tower.
- h) To request the right to replace or modify the approved equipment, alter the permitted frequencies or increase the ground space, City shall submit a relocation application and be responsible for a relocation application fee of \$500 per application increased annually on each anniversary of the Commencement Date by the annual escalator of 4%.
- i) City shall be responsible for an initial \$750.00 site inspection fee, increased annually on each anniversary of the Commencement Date by the annual escalator of 4% if additional site inspections are needed.
- j) City shall identify all approved equipment, including equipment cabinets and coaxial cable by labels with City's name, contact phone number and date of installation. In the event City fails to comply with this provision, Licensor may label the approved equipment and assess a \$1,500.00 fee payable upon receipt of an invoice.
- k) City shall cooperate with Licensor and with other licensees, lessees or occupants of the tower for purposed of avoiding interference and/or investigating claims of interference.
- l) City shall be responsible for the installation and expense of all utilities.
- m) City shall be responsible for painting the transmission lines to match the colors of the tower, if required to do so.
- n) City shall reimburse Licensor for any and all costs required to modify and/or upgrade Licensor's lighting system to comply with all necessary FAA/FCC regulations should City's equipment interfere with Licensor's lighting system located on any of the towers or building systems.
- o) The City reserves the right to terminate the license on the last day of any current fiscal year due to non-appropriation of funds.

SECTION 3. That the City Controller is hereby authorized to draw warrants payable to American Towers LLC or its successors and assigns on the first day of each month in advance during the license term beginning November 1, 2013 in the amounts specified below:

November 1, 2013 – October 31, 2014 (subject to annual appropriations)	\$5,800.00 per month
November 1, 2014 – October 31, 2015 (subject to annual appropriations)	\$6,032.00 per month
November 1, 2015 – October 31, 2016 (subject to annual appropriations)	\$6,273.28 per month
November 1, 2016 – October 31, 2017 (subject to annual appropriations)	\$6,524.21 per month
November 1, 2017 – October 31, 2018 (subject to annual appropriations)	\$6,785.18 per month
November 1, 2018 – October 31, 2019 (subject to annual appropriations)	\$7,056.59 per month
November 1, 2019 – October 31, 2020 (subject to annual appropriations)	\$7,338.85 per month
November 1, 2020 – October 31, 2021 (subject to annual appropriations)	\$7,632.40 per month
November 1, 2021 – October 31, 2022 (subject to annual appropriations)	\$7,936.70 per month
November 1, 2022 – October 31, 2023 (subject to annual appropriations)	\$8,254.17 per month

SECTION 4. That payments will be charged as follows:

November 1, 2013 – September 30, 2014: Fund 0191, Dept DSV Unit 2911, Object Code 3110, Encumbrance No. DSV14FAIRTOW, Commodity Code 97100, Vendor No.519066.

October 1, 2014 – October 31, 2023: Fund TBD, Dept DSV Unit TBD, Object Code TBD, Encumbrance No. TBD, Commodity Code 97100, Vendor No. 519066.

SECTION 5. That the City Controller is hereby authorized to draw warrants payable to the respective utility companies and tax authorities upon receipt of a bill for services or other applicable charges throughout the term of the license.

October 23, 2013

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM

Warren M.S. Ernst, Interim City Attorney

BY: 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

OCT 23 2013


City Secretary