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APR 26 2007



**Memorandum**

**CAPA COUNCIL MEMO NO. 7**

**DATE:** APRIL 17, 2007

**TO:** MAYOR AND CITY COUNCIL

**THRU:** W. MARK PENTZ, CITY MANAGER *WMP*  
PAT MCDERMOTT, ASST. CITY MANAGER *PM*  
NACHIE MARQUEZ, CAPA DIRECTOR *NM*

**FROM:** MARGARET COULTER, COMMUNICATIONS MANAGER *MC*

**SUBJECT:** INTRODUCTION OF ORDINANCE NO. 3917, AMENDING A WIRELESS TELECOMMUNICATIONS USE AGREEMENT BETWEEN VERIZON WIRELESS (VAW) LLC, DBA VERIZON WIRELESS AND THE CITY OF CHANDLER AT SNEDIGAR SPORTSPLEX

RECOMMENDATION: Staff recommends approval of Ordinance No. 3917.

BACKGROUND: On July 26, 2002 the City Council approved Ordinance 3353, which authorized a Wireless Telecommunications Use Agreement and Encroachment Permit for Verizon Wireless to install communication facilities at the Snedigar Sportsplex. The agreement allowed for a 5-year extension of the agreement upon the mutual agreement of parties, which both the City and Verizon would like to exercise at this time.

Ordinance 3917 amends Ordinance 3353 by extending the agreement an additional five years and raises the new base rate to \$1626 per month. The parties will also enter into a letter agreement which authorizes modifications to existing facilities, primarily related to the width of the top portion of the pole and the length of the flat mounted antenna. The Police and Fire departments have determined that the modifications will not cause any interference to the City's public safety communication systems and the City's Planning staff has found the modifications to be within City zoning standards. The Community Services Park staff has also agreed that the modifications will not inhibit City's operations or property. Staff has concluded that the proposed Amendment would be in the best interests of the City of Chandler and its citizens and would satisfy the License provisions.

FINANCIAL IMPLICATIONS: The Company will pay permit, inspection and pavement damage fees if applicable. Verizon will also pay \$1626 per month rent for the Snedigar site

with provisions for rent increases detailed in the Agreement. There will also be 2.75% privilege taxes applied on any non-interstate telecommunication services.

PROPOSED MOTION: Move to approve the Ordinance No. 3917, which amends the Wireless Telecommunication Use Agreement between City of Chandler, Arizona and Verizon Wireless (VAW) LLC..at the Snedigar Sportsplex

Attachment: Ordinance 3917, Amendment One

ORDINANCE NO. 3917

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE FIRST AMENDMENT TO THE AGREEMENT BETWEEN VERIZON AND THE CITY OF CHANDLER FOR WIRELESS TELECOMMUNICATIONS FACILITIES AT THE SNEDIGAR SPORTSPLEX

WHEREAS, the City of Chandler and Verizon Wireless (VAW) LLC, dba Verizon Wireless (hereinafter "Verizon") entered into an Agreement authorized pursuant to Ordinance No. 3353 which was a wireless telecommunications use agreement; and

WHEREAS, the parties have agreed to amend the terms of the agreement to provide for a larger antenna to be used by Verizon pursuant to the terms of this agreement and for Verizon to pay the City pursuant to an amended fee structure;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AS FOLLOWS:

SECTION I: That the Mayor of the City of Chandler is herewith authorized to execute Amendment No. 1 to Agreement authorized pursuant to Ordinance No. 3353, a wireless telecommunications use agreement between Verizon and the City of Chandler.

SECTION II: That the various City officers and employees be and they are hereby authorized and directed to perform all acts necessary to give effect to this Ordinance.

SECTION III: This Ordinance shall become effective thirty days from and after its final adoption: provided, however, that the agreement hereby granted shall not become effective unless and until Verizon has accepted said agreement as provided herein and has carried out such other terms and conditions as may be required before said agreement shall become effective.

INTRODUCED AND TENTATIVELY ADOPTED by the City Council of the City of Chandler, Maricopa County, Arizona, this \_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

MAYOR:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this \_\_\_ day of \_\_\_\_\_, 2007.

ATTEST:

MAYOR

\_\_\_\_\_

\_\_\_\_\_

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 3917 was duly passed and adopted by the City Council of the City of Chandler, at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2007 and that a quorum was present thereat.

\_\_\_\_\_  
City Clerk

Published:

APPROVED AS TO FORM:

MDH  
\_\_\_\_\_

**AMENDMENT NO. ONE**

**TO WIRELESS TELECOMMUNICATIONS USE AGREEMENT AND ENCROACHMENT PERMIT BETWEEN VERIZON WIRELESS (VAW), DBA VERIZON WIRELESS AND THE CITY OF CHANDLER AT SNEDIGAR SPORTSPLEX**

This Amendment Number One is to the Wireless Telecommunications Use Agreement and Encroachment Permit between Verizon Wireless (VAW) LLC, dba Verizon Wireless (hereinafter "Verizon") and the City of Chandler (hereinafter "the City") on July 26, 2002 (hereinafter "Agreement").

WHEREAS, on July 26, 2002, the City Council approved Ordinance 3353, authorizing the City to enter into a Wireless Telecommunications Use Agreement and Encroachment Permit for Verizon to install communication facilities at the Snedigar Sportsplex, and

WHEREAS, this Agreement allowed for a 5-year extension of the Agreement upon the mutual agreement of the parties, and

WHEREAS, both the City and Verizon wish to exercise the option to extend the Agreement by 5 (five) years and to establish a new base rate, and

NOW THEREFORE, the parties agree as follows:

1. Section 5.1 of the Agreement is amended to provide an extension of five years as authorized pursuant to the Agreement from August 23, 2007 to August 22, 2012.
2. Section 4.3.1 of the Agreement is amended to provide an increase in the rent from Five Hundred and Fifty Two and 00/100 Dollars (\$552.00) per month ("Rent") to One Thousand Six Hundred Twenty Six and 00/100 Dollars (\$1,626.00) per month ("Rent"). Other terms of Section 4.3.1 remain unchanged.
3. All other terms and conditions of the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto subscribed their names this \_\_\_\_ day of \_\_\_\_\_, 2007.

CITY OF CHANDLER:

VERIZON:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
BY: \_\_\_\_\_

APPROVED AS TO FORM:

ATTEST: (If corporation)

\_\_\_\_\_  
City Attorney  
*[Signature]*

\_\_\_\_\_  
Secretary

ATTEST:

\_\_\_\_\_  
City Clerk

SEAL