

APPROVED
MAY 06 2015

REPORT OF GENERAL MANAGER

NO. 15-100

DATE May 06, 2015

BOARD OF RECREATION
AND PARK COMMISSIONERS

C.D. All

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CELLULAR TELECOMMUNICATION EQUIPMENT CORRECTIVE ACTION TO RETROACTIVELY APPROVE MASTER LEASE AGREEMENT NO. 288 WITH NEW CINGULAR WIRELESS, PCS, LLC, ALSO KNOWN AS AT&T

R. Adams	_____	V. Israel	_____
<i>for</i> *R. Barajas	<i>CBP</i>	K. Regan	_____
H. Fujita	_____	N. Williams	_____

[Signature]
General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board retroactively approve Master Lease Agreement No. 288 with AT&T.

SUMMARY:

On June 15, 2011, the Board of Recreation and Parks Commissioners (Board) approved Report No. 11-185 which, among other recommendations, included a recommendation to "Approve a proposed Master Lease Agreement and Site Lease Agreement, substantially in the form on file in the Board Office, subject to the approval of the Mayor and the City Council and the City Attorney as to form". The Board also approved, in that same report, a revised set of "Procedures and Guidelines for Installation of Cellular Equipment on Park Property". The procedures state, "any installation of cellular equipment on Department of Recreation and Park's (RAP) property will require a fully executed Master Lease Agreement (MLA), approved by both the Board and the City Attorney as to form and, if applicable, the City Council." The "Guidelines" state in part, "Exercise of the initial term and each option will require Board approval."

The MLA sets forth basic terms and conditions for leased sites and assigns responsibilities to the applicant and RAP, but does not authorize the installation of any specific equipment. The initial term of each MLA is five (5) years. The MLA will remain in effect and be followed by successive one (1) year renewal options with respect to each existing Site Lease Agreement

REPORT OF GENERAL MANAGER

PG. 2

NO. 15-100

(SLA). The MLA and SLA approved by the Board were the templates to be used for all future MLA's and SLA's.

On August 13, 2012 the Mayor approved the proposed Procedures and Guidelines, the MLA and the SLA templates (Transmittals 015-09605-1000). Thereafter, on November 10, 2012 the Board and City Attorney executed a MLA between the City and AT&T (New Cingular Wireless PSC, LLC). On December 11, 2013, Report No. 13-306 the Board approved a site specific SLA that would allow AT&T to install telecommunications equipment at the Greek Theater site within Griffith Park. On June 4, 2014, the City Administrative Officer prepared a report relative to the proposed SLA with AT&T for the maintenance and operation of the cellular equipment in Griffith Park. The Arts, Parks, Health, Aging and River Council Committee (Committee) heard the matter on June 23, 2014 and was adopted on June 24, 2014 by the City Council (Council File No.14-0804).

It was during the Committee's consideration of the approval of the SLA that for the first time the issue of whether the Board had approved the site specific MLA was raised. It was staff's interpretation that the Board had approved the MLA template and that approval was all that was contemplated. However, upon closer inspection, that interpretation is not consistent with the Board approved "Procedures and Guidelines for the Installation of Cellular Equipment on Public Property" which expressly requires the initial MLA with AT&T and each option to be approved by the Board. A search of the Board files revealed there was not a corresponding Board Report authorizing the execution of a site specific MLA with AT&T. Consequently, the MLA between the City and AT&T executed on November 10, 2012 was never approved by the Board.

This Report serves to retroactively effectuate the technical correction necessary to bring the Board's record of authorization in compliance with the afore-taken actions. There are no modifications or changes to the executed MLA with AT&T.

Staff has determined that the retroactive approval of the MLA executed on November 10, 2012 does not make a commitment to any specific project that may result in physical environmental impacts. Therefore, this action does not require review under the California Environmental Quality Act process.

FISCAL IMPACT STATEMENT:

There shall be no fiscal impact to the Department's General Fund in making this retroactive technical correction.

This Report was prepared by Melinda Gejer, City Planning Associate, Planning and Construction.