

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

AN ORDINANCE

**APPROVING AMENDMENTS TO TWO STANDARD TOWER LEASE
AGREEMENTS BETWEEN THE CITY OF SAN ANTONIO AND SAN
ANTONIO MTA, L.P. D/B/A VERIZON WIRELESS, FOR WIRELESS
TOWER LOCATED AT FIRE STATION 43 AND O.P. SCHNABEL SITES.**

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WHEREAS, in 1997 the City executed two Standard Tower Lease Agreements (“Tower Leases”) with the predecessor in interest of San Antonio MTA, L.P., d/b/a Verizon Wireless, authorizing the installation of wireless equipment and facilities on wireless towers located on City property at 2059 W. Bitters Road, San Antonio, Texas 78248 (Fire Station 43 Site) and at 10100 Belga Street, San Antonio, Texas 78240 (O.P. Schnabel Site); and

WHEREAS, in accordance with Chapter 37 of the City Code, Verizon Wireless submitted applications to undertake network upgrades of its telecommunications equipment and facilities at both sites, which resulted in contract negotiations between the parties to amend the existing Tower Leases (“Lease Amendments”), both of which are attached as Exhibits A and B; and

WHEREAS, the proposed network upgrades authorized by the Lease Amendments would allow Verizon Wireless to provide enhanced broadband data coverage to customers in the areas served by the wireless towers located at the Fire Station 43 and O.P. Schnabel Sites; and

WHEREAS, under the proposed Lease Amendments, Verizon Wireless would be able to make future network upgrades by simply providing notice and complying with local regulations for obtaining a work permit without reopening the Tower Leases to renegotiation, and the City would receive increases in annual rent from \$10,700.00 to \$40,000.00 for the Fire Station 43 Site and from \$19,100.00 to \$40,000.00 for the O.P. Schnabel Site, in addition to a 3% annual escalation factor for the revised term of the two Tower Leases; and

WHEREAS, the Tower Leases, which are scheduled to expire in 2017, would be extended under the proposed Lease Amendments by an initial 5 years, and three optional 5 year terms, potentially extending the Tower Leases through 2037; and

WHEREAS, City staff from the Information Technology Services Department has reviewed the engineering design documents attached to both Lease Amendments, and find that the proposed network upgrades are in compliance with applicable City Code regulations; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions of the Lease Amendments attached to this ordinance as Exhibits A and B are hereby approved and Verizon Wireless is authorized to obtain work permits from the Development Services Department to undertake network upgrades of its telecommunications facilities at the Fire Station 43 and O.P. Schnabel Sites in compliance with the engineering design documents incorporated into the Lease Amendments.

SECTION 2. The City Manager or her designee is authorized to execute the Lease Amendments attached hereto as Exhibits A and B.

SECTION 3. Funds generated by this ordinance will be deposited into General Fund 11001000, Internal Order 209000000042 and General Ledger 4401170.

SECTION 4. The financial allocations in this ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall be effective immediately upon passage by eight affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 19th day of June, 2014.

M A Y O R
Julián Castro

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Robert F. Greenblum, City Attorney