



City of Richmond

Report to Committee

To: Parks, Recreation and Cultural Services
Committee
From: Andrew Nazareth
General Manager, Business & Financial
Services

Date: May 6, 2009
File: 03-1000-14-132/Vol 01

Re: **Bell Mobility Inc. Telecommunications Proposal at King George Park Over
Portions of 12260, 12280 and 12360 Cambie Road**

Staff Recommendation

That:

1. A license from the City to Bell Mobility Inc. to develop and use a portion of King George Park for the development of a cell tower and related infrastructure be approved as detailed in the staff reports dated November 14, 2006 and May 6, 2009 and other terms as deemed necessary by the City; and
2. Staff be authorized to take all necessary steps to complete the matter including authorizing the General Manager, Business & Financial Services to execute all documentation to effect the transaction, including all license documentation.

Andrew Nazareth
General Manager, Business and Financial Services
(4095)

Att. 2

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Engineering	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Parks Planning, Design & Construction....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Budgets	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Development Applications.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> 	REVIEWED BY CAO	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Findings Of Fact

Bell Mobility Inc. ("Bell") proposed incorporating cell towers at both Hugh Boyd and King George Parks. At its meeting of December 11, 2006, Council approved the following:

1. *That Staff authorize Bell Mobility Incorporated to initiate a public consultation process for the potential installation of a telecommunications apparatus at the Hugh Boyd Pitch & Putt Park and at King George Park;*
2. *That staff report to the Parks, Recreation & Cultural Services Committee with the results of the public consultation process undertaken by Bell Mobility along with recommendations for potential next steps; and".*

The City very recently completed the license agreement for the Hugh Boyd Park proposal – construction is expected to occur this month. While the King George Park proposal came in at the same time as the Hugh Boyd Park proposal, the King George proposal was not to be furthered until an agreement was reached at Hugh Boyd, thus creating a precedent for moving forward. This report specifically details the results of the public consultation process at King George Park and to recommend a course of action for the proposed cell tower location (see Attachment 1).

Analysis

Public Consultation Process

Bell has provided staff with the following information with respect to the public consultation that they completed:

1. All households within 300 metres of the proposed towers received notification (see Attachment 2);
2. 679 public notifications to install communication poles at both Hugh Boyd and King George Parks were delivered on March 3, 2007;
3. Of the 679 total notifications, approximately 200 were directly related to King George Park; and
4. Only one email response was received from a resident on Pendleton Road (Hugh Boyd Park) relating to potential health concerns.

In addition to the above, Parks staff held open houses during the planning phase of the artificial turf project at King George Park. The concept plan identified the potential location of a cell tower in this approximate location. No comments were received regarding this potential cell tower.

From the results noted above, staff feel that the public has been properly informed from this process and feel that there is no public impediment to the installation of a cell tower by Bell at the proposed King George Park location.

Next Steps

Staff have been in further discussions with Bell as to the physical aspects of the project. Specifically, Bell has proposed the following works:

1. To remove an existing light pole, replace it with a 25 metre tower pole and install 16 cellular antennae on the top of the pole as well as replace the City's existing tennis court lighting apparatus on the pole. The pole will require a very substantial concrete base. The antennae to be installed are to be of the variety that are affixed very close to the tower itself and not in the more traditional extended versions;
2. To build a fenced enclosure of approximately 20 feet by 11.5 feet around the tower that will also house Bell's telecommunications infrastructure and associated electrical works plus an extended area underground (to the west under the tennis courts and south under the park) as part of the foundation for the tower and for grounding of the works;
3. To power the works, Bell requires the following underground works:
 - a. access to the City's power source at the main distribution kiosk, which is situated near the southeast corner of the tennis courts; and
 - b. backup power by way of a generator that can be "rolled" in during emergency power outages and be placed immediately north or west of the proposed tower location;
4. No underground conduits for telecommunications infrastructure are required outside of the tower enclosure area. However, the tower will incorporate direct point to point communication antennae to relay all Bell's telecommunications needs.

Staff note that for the specific installation, the following needs to occur at Bell's sole cost and expense:

1. two smaller pine trees are to be relocated to a nearby location; and
2. either the existing drainage line or the water line to the recently located rugby trailer may require relocation.

According to Bell, the installation work will likely take between 30 and 60 days – the tennis courts will not be impacted for public use, although periodic access to the courts may be limited from certain access points during the installation of all of the works. All construction activity will be put into a construction management and safety plan, which is to be approved in advance by the City.

The trenching required to install the underground electrical conduit will follow along the east and north perimeter edges of the asphalt paved tennis court area (approximately 1 metre outside of the tennis court fencing). According to Bell, this work will likely take only a few days.

As Bell will be connecting to the City's power source, Bell will be required to prepay on an annual basis its expected hydro cost. Staff will negotiate a prepayment amount that is in fact at least 50% higher than what Bell expects its power requirements to be in order to ensure that the City will be in a positive position each year, and therefore cause Bell to complete any

reconciliations and come forward to the City for a refund. This method is being pursued as the City is not well situated to being responsible for reading check meters and reconciling costs.

The primary financial business terms were generally agreed to between the parties in fall 2006, at rates of \$14,500 per annum for the first five years and \$16,000 per annum for the second five years, plus an additional cash allowance of \$30,000. In addition, the agreement will contain two renewal options of 5 years each at market rental levels. Staff feel that market rental levels for cell tower installations have risen marginally since this time. Staff therefore recommend that the rental rates be renegotiated to achieve better financial results for the City.

Following are staff's expectations of next steps:

1. Work with Parks and Engineering to finalize the terms of construction to be permitted on the lands;
2. Negotiate a non-exclusive license agreement based on the business terms outlined in the November 14, 2006 staff report (see Attachment 2), which will include, but not be limited to, the following additional or modified terms:
 - a. Renegotiate the rental rates;
 - b. Negotiate the annual power consumption pre-payment amount, which amount can be unilaterally adjusted by the City from time to time, recognizing that it will be Bell's responsibility to reconcile and prove the difference in actual cost versus prepaid cost (Bell will install a check meter at its sole cost and expense as part of its overall installation);
 - c. Bell to detail by survey the area to be utilized by Bell for its tower enclosure, the tower base, the grounding layout and any conduit runs, including depth as to be required by the City (provide as-built plans and drawings upon completion both in hard copy and digital format);
 - d. All works are to be fully approved and permitted by the appropriate regulatory authorities, which may include the City of Richmond, the airport authority, etc.;
 - e. To indemnify the City and release it from and against any and all losses, claims, actions, damages, etc., caused by the installation and future operation and removal;
 - f. Bell to replace at its sole cost and expense any landscaping or trees as required by the City in its sole discretion;
 - g. The City and Bell to determine an appropriate specific location for the provisioning of a backup generator should one be required by Bell and any limitations to be placed upon Bell for and during such use;
 - h. The City having rights to terminate the license before the end of the term for reasons including but not limited to: if there are any health or safety concerns as

determined in the City's sole discretion; if Bell's telecommunications transmissions in any way have an effect on the City's telecommunications infrastructure as determined in the City's sole discretion; and if after the 10th year of the Term the City intends to redevelop the Lands or use the Lands for other City purposes;

- i. The license will not grant Bell any property interest in the lands and will not be registered against the title to the lands;
 - j. If there is room available on the tower to be erected by Bell on the lands, the City may require that another cell provider be able to make use of the tower for its business purposes provided that the terms and conditions of such use (including a payment to Bell) are satisfactory to Bell and to the City;
 - k. The tower (and all related installations whether above or below ground) shall immediately become the property of the City upon the expiry or earlier termination of the license unless the City specifically elects to require Bell to remove either such tower and or related installations and thereafter make good any damage caused (during the term of the licence, the tower and such installations shall be deemed to be owned by Bell); and
 - l. A work area license may also be required; and
3. Bell to secure access to the City's power source to satisfy Bell's power requirements, all subject to the City's sole discretion as to its ability to provide such a connection.

Financial Impact

There are no negative changes to the financial aspects of this transaction as were presented to Council at the Council Meeting of December 11, 2006 with the exception that the revenue generated from this transaction, \$102,500 due and payable upon commencement of the lease plus as additional \$16,000 per annum in Years 6 to 10, will be to the account of general revenues in accordance with the staff report dated April 2, 2007 as presented to the General Purposes Committee on May 22, 2007. However, as staff have recommended renegotiating the rental terms of the transaction there could be a positive financial impact to the City.

Conclusion

That staff proceed with license negotiations with Bell for the development of a cell tower in King George Park on the condition that they satisfy certain requirements as detailed within this staff report.



Robert Kates
Manager, Real Estate Services
(604-276-4212)



September 17, 2007

City of Richmond
Business & Financial Services Department
6911 No. 3 Road
Richmond, BC, V6Y 2C1
Attention: Robert Kates, Manager, Real Estate Services

Dear Mr. Kates,

As per the requirement of the Parks, Recreation and Cultural Services Committee in file number 11-7200-20 approved on November 28, 2006 Bell Mobility completed its public consultation requirement.

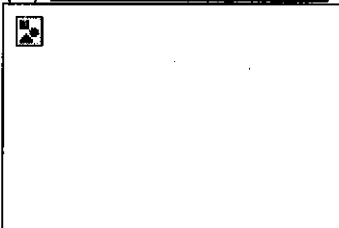
Bell delivered approximately 679 public notifications (please see the attached notice) to install communications poles at King George Park and Hugh Boyd Park on Saturday March 3rd, 2007. As a result of the notification, Bell received two phone messages from the same person identified as Sandra and living near Hugh Boyd Park – no address was left. She expressed health related concerns. The messages were returned by Bell staff with health related information and the contact information of City of Richmond staff as per her request. In addition, one email was received from Darlene Greco on Pendlebury Road (the email and Bell Mobility's response is attached).

If there are further questions regarding the consultation process or its results, please contact the undersigned.

Regards,

Chad Marlatt, MCIP
Real Estate Manager
Bell Mobility
2611 Nootka Street
Vancouver, BC, V5M 3M4

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(C) 778.838.1134
(F) 604.678.4066
(E) chad.marlatt@bell.ca



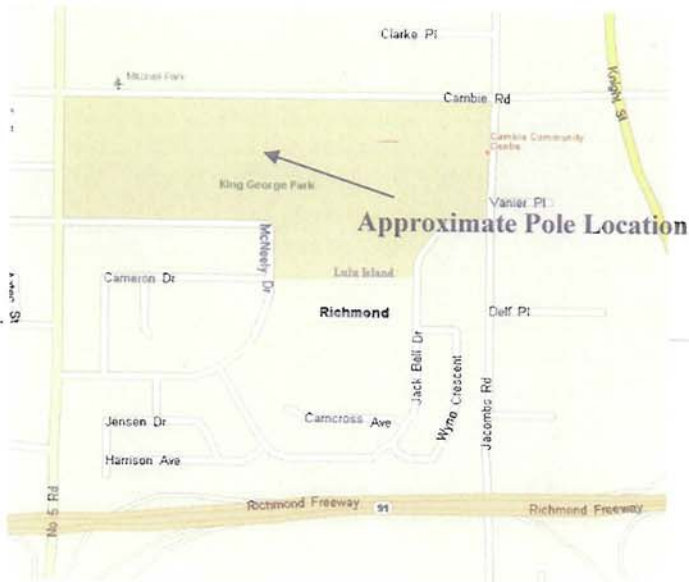
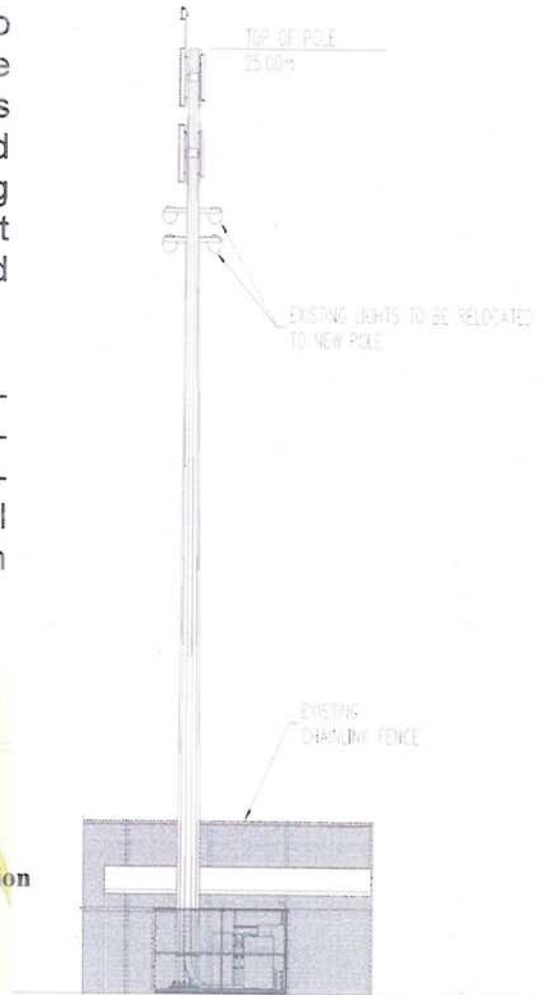


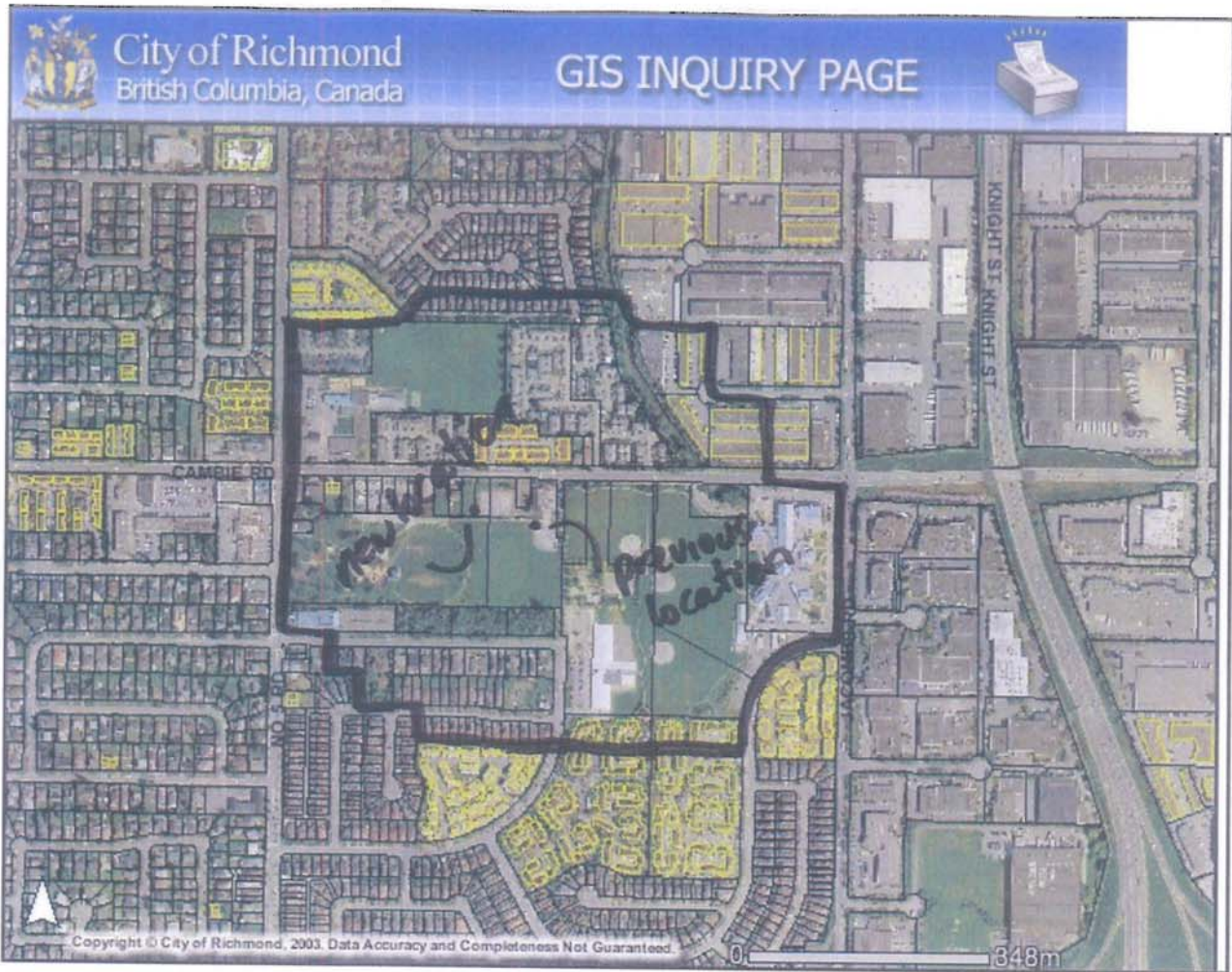
NOTICE

Bell Mobility, in cooperation with the City of Richmond, proposes to install a communications pole at King George Park to improve wireless coverage within the community. The 25 metre high pole is proposed to replace an existing field lighting pole with a new pole housing both lighting and wireless antennas at the most westerly baseball diamond (see location plan).

Should you have any comments or concerns regarding the project please contact Chad Marlatt by phone at 604-678-4064, fax 604-678-4066 or email chad.marlatt@bell.ca by Monday March 19th, 2007.

Pole Elevation





Disclaimer

GIS information is provided as a public resource for general information purposes only. The information shown on this map is compiled from various sources and the City makes no warranties, expressed or implied, as to the accuracy or completeness of the information. Users are reminded that lot size and legal description must be confirmed at the Land Title office in New Westminster. These maps are NOT a legal document, and is published for information and convenience purposes only.
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