



## Legislation Details (With Board Report)

**File #:** 16-520      **Name:** Sprint Sublease at Marina Coast Water

**Type:** General Agenda Item      **Status:** Passed

**File created:** 4/26/2016      **In control:** Board of Supervisors

**On agenda:** 5/3/2016      **Final action:** 5/3/2016

**Title:**

- a. Approve and authorize the Contracts/Purchase Officer or Contracts Purchasing Supervisor to sign a Memorandum of Sublease Agreement with Sprint Spectrum Realty Company, L.P., to provide access and provide access to property located at the corner of Parker Flats Cut-Off Road and Eucalyptus Road located in Seaside, California 93955 within the property of Marina Coast Water District for the purpose of the construction, operation and maintenance Next Generation Radio Project (NGEN) site for a term of five (5) years from the Commencement date,
- b. Approve and authorize the Contracts/Purchase Officer or Contracts Purchasing Supervisor to sign up to four (4) additional five (5) year extension periods for the Memorandum of Sublease Agreement with Sprint Spectrum Realty Company, L.P.as requested by the Director of Emergency Communications,
- c. Approve Collocation Sublease Agreement with Sprint Spectrum Realty Company, L.P., for space up to (5) antenna(s), comprised of (2) microwaves to be specifically mounted at the Tenant's option and ground space in the location described in the Agreement at said location for a term of (5) years, monthly fee payable at \$2,500.00 with an annual cost increase of 3%,
- d. Approve and authorize the Contracts/Purchase Officer or Contracts Purchasing Supervisor to sign up to one (1) additional five (5) year extension period of the Collocation Sublease Agreement with Sprint Spectrum Realty Company, L.P., as requested by the Director of Emergency Communications,
- e. Approve and authorize signature of the Sprint/County Collocation Sublease Agreement letter addressed to Howard Gustafson at Marina Coast Water acknowledging the modification of Standard Terms and Payment Provisions as an adjunct to the initial five year sublease agreement between Sprint Spectrum Realty Company and the County, and
- f. Accept Non-Standard County Liability, Indemnification, and Insurance Provisions as recommended by the Director of Emergency Communications.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Memorandum of Sublease for Board Report 2016\_04\_21, 3. Collocation Sublease Agreement for Board Report 2016\_04\_21, 4. Sprint\_County Collocation Sublease Agreement Letter, 5. Completed Board Order

Date	Ver.	Action By	Action	Result
5/3/2016	1	Board of Supervisors	approved	

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f. Accept Non-Standard County Liability, Indemnification, and Insurance Provisions as recommended by the Director of Emergency Communications.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve and authorize the Contracts/Purchase Officer or Contracts Purchasing Supervisor to sign a Memorandum of Sublease Agreement with Sprint Spectrum Realty Company, L.P., to provide access and provide access to property located at the corner of Parker Flats Cut-Off Road and Eucalyptus Road located in Seaside, California 93955 within the property of Marina Coast Water District for the purpose of the construction, operation and maintenance Next Generation Radio Project (NGEN) site for a term of five (5) years from the Commencement date,

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c. Approve Collocation Sublease Agreement with Sprint Spectrum Realty Company, L.P., for space up to (5) antenna(s), comprised of (2) microwaves to be specifically mounted at the Tenant's option and ground space in the location described in the Agreement at said location for a term of (5) years, monthly fee payable at \$2,500.00 with an annual cost increase of 3%,

d. Approve and authorize the Contracts/Purchase Officer or Contracts Purchasing Supervisor to sign up to one (1) additional five (5) year extension period of the Collocation Sublease Agreement with Sprint Spectrum Realty Company, L.P., as requested by the Director of Emergency Communications,

e. Approve and authorize signature of the Sprint/County Collocation Sublease Agreement letter addressed to Howard Gustafson at Marina Coast Water acknowledging the modification of Standard Terms and Payment Provisions as an adjunct to the initial five year sublease agreement between Sprint Spectrum Realty Company and the County, and

f. Accept Non-Standard County Liability, Indemnification, and Insurance Provisions as recommended by the Director of Emergency Communications.

SUMMARY/DISCUSSION:

The County serves as the lead agency for the Next Generation (NGEN) Radio Project with the Department of Emergency Communications serving as the project administrator. This project replaces the existing public safety and local government voice and data radio networks to meet a federal mandate. The lease of the Sprint communication facility on Marina Coast Water District property will allow for communication coverage to the Monterey Peninsula area without interruption thereby meeting the federal mandate. The lease permits the installation of an NGEN Public Safety Radio System at Sprint's communication facility located on Eucalyptus Road, in Seaside, California for a period of five (5) years. The lease payments have been waived for the initial five (5) years after which term may be subject to four (4) additional five (5) year extension periods by the County. The Transmission Site will consist of space for up to five (5) receive and transmit antenna, ground

space for radio equipment cabinets, and adjacent ground space for the installation of a standby emergency generation and fuel storage tank.

OTHER AGENCY INVOLVEMENT:

County Counsel reviewed the lease terms and provided guidance on the acceptability of the lease terms but was not able to approve the documents due to the presence of non-standard terms and conditions, including but not limited to the following: no quiet enjoyment protection, requirement of insurance: it is not clear if self-insurance will suffice from the County, limited liability from Sprint. Risk Management cannot approve non-standard indemnification and insurance provisions. Information Technology Department has reviewed the technical and operational requirements of the radio site.

FINANCING:

Lease costs will be shared by all agencies participating in the NGEN project based on the 911 Dispatch Services Agreement executed between the County and Partner agencies. There is no additional impact on the General Fund at this time. Prospectively, the County share of the annual lease payments will be included as part of the annual budget process.

Prepared by:

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Claudia S. Garza, Administrative Manager

Approved by:

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William Harry, Emergency Communications Director

Attachments: Memorandum of Sublease  
Collocation Sublease Agreement with Exhibits A-E  
Sprint/County Collocation Sublease Agreement Letter