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**Title:** Authorize the City Manager, or his designee, to enter into a multi-year lease agreement with American Tower Corporation for a public safety radio tower position in the Southeast area of Fresno

**Sponsors:** Fire Department, Police Department

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**Attachments:** 1. City of Fresno @ Fresno Radio Hut CA (318140)01\_27.pdf

Date	Ver.	Action By	Action	Result
2/5/2015	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**February 5, 2015**

**FROM:** JERRY P. DYER, Chief of Police  
Fresno Police Department

KERRI L. DONIS, Fire Chief  
Fresno Fire Department

**BY:** TOM ROWE, Lieutenant  
Fresno Police Department

**SUBJECT**

Authorize the City Manager, or his designee, to enter into a multi-year lease agreement with American Tower Corporation for a public safety radio tower position in the Southeast area of Fresno

**RECOMMENDATION**

It is recommended that Council authorize City Manager, or his designee, to enter into a multi-year lease agreement with American Tower Corporation (“ATC”), substantially in the form attached, to secure a position on a radio tower located in the Southeast section of the City of Fresno. Lease payments will be shared evenly by the Police and Fire Departments for a term up to 15 years.

**EXECUTIVE SUMMARY**

The Police and Fire departments utilize a public safety radio network as a means to conduct their daily operations. Presently, the transmitter providing coverage to the Southeast section of the City is located in the downtown area (Veterans Memorial Auditorium and the Fresno County Plaza Building). With the Federal Communication Commission ("FCC") narrow-banding requirements of 2012 both agencies have experienced a significant reduction of radio performance and coverage in the Southeast section of the City. This diminished radio coverage has caused safety concerns for members of each agency as officers and firefighters have experienced difficulty communicating with their dispatch centers and assisting personnel. As a result of the diminished coverage area and performance, it has become necessary to secure a tower location within the Southeast area.

## **BACKGROUND**

Due to the FCC requirements to narrowband public safety radios, the Fresno Police and Fire Departments observed a significant drop in performance of our radios in terms of transmission and reception abilities, particularly within the Southeast section of the City. This situation posed a serious concern for the safety of our officers and firefighters. As a result of federally mandated narrowbanding and the subsequent decrease in portable radio performance, police officers and firefighters have experienced incidents where they were not been able to communicate with each other during critical incidents.. During one specific instance, police officers handling a disturbance call in southeast Fresno had to call 911 from cell phone to contact their communication's center. In researching the issue and potential solutions, it was determined that the City needs to secure a radio tower position within the affected area.

The proposed tower site is located near Maple Avenue and Vine Avenue. The tower is 300 feet tall and both the Police and Fire Departments would install the infrastructure needed as well as transmitters and receivers near the top of the tower to improve public safety radio communications. It is believed the characteristics of this site (height and location) will vastly improve the radio performance, coverage and safety of our personnel working in the Southeast area.

The proposed tower location is expected to meet the communication needs of the fire and police departments both now and in the future as the City expands and develops.

This has been a protracted contract negotiation to secure the best possible pricing. Additionally, we needed to establish contract language regarding the City and ATC entering into a long term lease while meeting the statutory provisions surrounding future budgetary commitments.

The attached agreement has been approved as to form by the City Attorney's Office.

## **ENVIRONMENTAL FINDINGS**

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines, section 15301(a) as this contract is for the lease and minor alteration of an existing radio tower, which will not result in more than negligible expansion of the tower. Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, section 15300.2 apply to this project.

## **LOCAL PREFERENCE**

Local preference does not apply and was not considered because this item does not include a bid or award of a construction or services contract.

### **FISCAL IMPACT**

Initial annual lease payments will be \$18,000 and are scheduled to be paid on a monthly basis (\$1,500 per month). There is a 3 percent (3%) escalator for each subsequent year of the lease up to 15 years.

To cover the cost of the lease payments, the Police and Fire Departments have agreed to evenly share the costs within their respective budgets. A Memorandum of Understanding has been developed defining the cost sharing obligation for each respective agency.

Attachment: ATC Contract