

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

335



**FROM:** Economic Development Agency

**SUBMITTAL DATE:**  
October 24, 2013

**SUBJECT:** Second Amendment to Communications License Agreement – Riverside County Information Technology – Norco, District 2, [\$134,088]

**RECOMMENDED MOTION:** That the Board of Supervisors:

Ratify the attached Second Amendment to Communications License Agreement and authorize the Chairman to execute the same on behalf of the County

**BACKGROUND:**

**Summary**

The County of Riverside entered into a license agreement on September 1, 2006 on behalf of Riverside County Information Technology (RCIT) for space in a communication facility located on Paradise Road in Norco. This Second Amendment will extend the License for a period of three years effective September 1, 2012.

(Continued)

Robert Field  
Assistant County Executive Officer/EDA

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
<b>COST</b>	\$ 44,683	\$ 46,023	\$ 134,088	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0	
<b>SOURCE OF FUNDS:</b> Riverside County Information Technology 100%				<b>Budget Adjustment:</b> No	
				<b>For Fiscal Year:</b> 2013/14	

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Jennifer L. Sargent

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

**Ayes:** Jeffries, Tavaglione, Stone and Ashley  
**Nays:** None  
**Absent:** Benoit  
**Date:** November 5, 2013  
**xc:** EDA, RCIT

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

Prev. Agn. Ref.: 13.56 of 9/1/09

District: 2/2

Agenda Number:

**3-21**

FORM APPROVED COUNTY COUNSEL  
BY: PATRICIA MUNROE  
DATE: 9/26/13  
Departmental Concurrence

By: Kevin Crawford  
Chief Information Officer  
Riverside County Information Technology  
19 Sep 13

- A-30
- Positions Added
- 4/5 Vote
- Change Order

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

Economic Development Agency

**FORM 11:** Second Amendment to Communications License Agreement – Riverside County Information Technology – Norco, District 2, [\$134,088]

**DATE:** October 24, 2013

Page 2 of 2

**BACKGROUND:**

**Summary (continued)**

This facility continues to meet RCIT's communication needs. In 2009, the Real Estate Division renegotiated a decrease from \$4,243.60 per month to \$3,200.00 per month for the term of the First Amendment to the lease, which equates to a 24% savings for the department.

Lessor:	Crown Castle MU LLC	
Premises Location:	Paradise Road Norco, California 91760	
Size:	Approximately 100 square feet	
Term:	3 year license extension retroactively effective as of September 1, 2012	
Rent:	<u>Current</u>	<u>New</u>
	\$3,394.88 per month	\$ 3,496.73 per month
	\$40,736.56 per year	\$41,960.76 per year
Rental Adjustments:	Year 1	\$3,496.73 per month
	Year 2	\$3,601.63 per month
	Year 3	\$3,709.68 per month
Utilities:	Landlord furnishes electricity	
Market Data:	Not applicable	

The attached Second Amendment to Communications License Agreement has been reviewed and approved by County Counsel as to legal form.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

RCIT and EDA anticipated the lease extension and budgeted these costs in FY 2013/2014. RCIT will reimburse EDA for all lease costs on a monthly basis.

**Contract History and Price Reasonableness**

This second Amendment will extend the License Agreement for a period of three years effective September 1, 2012. The rental adjustments will increase three percent per year during the three year term.

- Attachment:
- Exhibit A
- Exhibit B
- Exhibit C
- Second Amendment

# Exhibit A

## RCIT Lease Cost Analysis FY 2012/13 Paradise Road, Norco, CA

### Total Square Footage to be Leased:

#### **ACTUAL AMOUNTS**

Current space:

100 SQFT

Lease Cost per Month (July - Aug)

\$ 3,394.88

Lease Cost per Month (Sept- June)

\$ 3,496.73

Total Lease Cost (July - Aug)

\$ 6,789.76

Total Lease Cost (Sept - June)

\$ 34,967.30

**Total Actual Lease Cost for FY 2012/13**

\$ 41,757.06

### Estimated Additional Costs:

#### **ACTUAL AMOUNTS**

EDA Lease Management Fee (Based @ 3.89%)

\$ 1,624.35

**Total Estimated Actual Cost for FY 2012/13**

\$ 1,624.35

**TOTAL ESTIMATED COST FOR FY 2012/13**

\$ 43,381.41

# Exhibit B

## RCIT Lease Cost Analysis FY 2013/14 Paradise Road, Norco, CA

### Total Square Footage to be Leased:

#### **ACTUAL AMOUNTS**

Current space:

100 SQFT

Lease Cost per Month (July - Aug)

\$ 3,496.73

Lease Cost per Month (Sept- June)

\$ 3,601.63

Total Lease Cost (July - Aug)

\$ 6,993.46

Total Lease Cost (Sept - June)

\$ 36,016.30

**Total Actual Lease Cost for FY 2013/14**

\$ 43,009.76

### Estimated Additional Costs:

#### **ACTUAL AMOUNTS**

EDA Lease Management Fee (Based @ 3.89%)

\$ 1,673.08

**Total Estimated Actual Cost for FY 2013/14**

\$ 1,673.08

**TOTAL ESTIMATED COST FOR FY 2013/14**

\$ 44,682.84

# Exhibit C

## RCIT Lease Cost Analysis FY 2014/15 Paradise Road, Norco, CA

### Total Square Footage to be Leased:

#### **ACTUAL AMOUNTS**

Current space:

100 SQFT

Lease Cost per Month (July - Aug)	\$ 3,601.63	
Lease Cost per Month (Sept- June)	<u>\$ 3,709.68</u>	
Total Lease Cost (July - Aug)	\$ 7,203.26	
Total Lease Cost (Sept - June)	<u>\$ 37,096.80</u>	
<b>Total Actual Lease Cost for FY 2014/15</b>		<b>\$ 44,300.06</b>

### Estimated Additional Costs:

#### **ACTUAL AMOUNTS**

EDA Lease Management Fee (Based @ 3.89%)

\$ 1,723.27

**Total Estimated Actual Cost for FY 2014/15**

\$ 1,723.27

**TOTAL ESTIMATED COST FOR FY 2014/15**

\$ 46,023.33

## SECOND AMENDMENT TO COMMUNICATIONS LICENSE AGREEMENT

This Second Amendment to Communications License Agreement (this "Amendment") is made this 5<sup>th</sup> day of November, 2013, by and between Crown Castle MU LLC, a Delaware limited liability company (f/k/a Mountain Union Telecom, LLC) ("Crown") and County of Riverside, a political sub-division ("Licensee").

### RECITALS:

**WHEREAS**, Crown (and/or certain of its affiliates and/or predecessors-in-interest) and Licensee (and/or certain of its affiliates and/or predecessors-in-interest) entered into a certain Communications License Agreement dated September 1, 2006, as may have been previously amended and/or assigned, and as may be subject to any master agreement or any other agreement(s) pertaining thereto (collectively, the "Co-Location Agreement"), whereby Licensee leases or licenses from Crown certain space at a telecommunications facility known as Norco, Crown BU# 839391 (the "Site"); and

**WHEREAS**, Crown and Licensee desire to amend the Co-Location Agreement pursuant to the terms and subject to the conditions set forth herein.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree to be legally bound to this Amendment as follows:

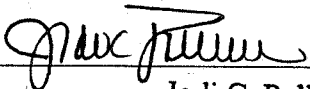
- Capitalized Terms.** Unless clear from the context in which they are used, all capitalized terms used herein shall have the same meanings ascribed to them in the Co-Location Agreement.
- Term Extension.** The term of the Co-Location Agreement that expired on August 31, 2012 (the "Term") shall be extended, or shall be deemed to have been extended, commencing effective as of the expiration of said Term as set forth in the Co-Location Agreement (the "Extension Commencement Date"), and expiring on August 31, 2015 (the "Extension Expiration Date").
- Modifications to Equipment.** Notwithstanding anything to the contrary in the Co-Location Agreement, Licensee shall apply to make modifications to its equipment by submitting an application form to Crown (as such form may be amended by Crown from time to time). A structural analysis, AM detuning study or an intermodulation study may be required by Crown in connection with a proposed modification, and Licensee will be liable for the cost thereof. Any approved modification shall be evidenced by an amendment to the Co-Location Agreement, and the approved application, together with a tower level drawing and site plan (as required by Crown), describing all of Licensee's permitted equipment and the locations thereof, shall be exhibits to said amendment.
- Full Force and Effect; Inconsistent Terms.** Except as expressly set forth in this Amendment, the Co-Location Agreement is otherwise unmodified, shall remain in full force and effect and is incorporated and restated herein as if fully set forth at length. In the event of any inconsistencies between the Co-Location Agreement and this Amendment, the terms of this Amendment shall control. Each reference in the Co-Location Agreement to itself shall be deemed to also refer to this Amendment.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the parties have set forth their hand and seal as of the date indicated above.

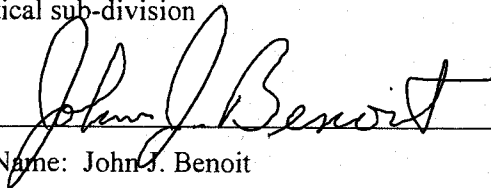
**CROWN:**

Crown Castle MU LLC,  
a Delaware limited liability company

By:   
Print Name: Jodi C. Pollice  
Title: Interim Licensing Manager  
Execution Date: 8/5/13

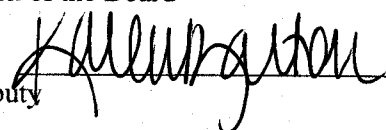
**LICENSEE:**

County of Riverside,  
a political sub-division

By:   
Print Name: John J. Benoit  
Title: Chairman of the Board  
Execution Date: NOV 05 2013

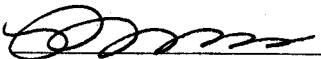
**Attest:**

Kecia Harper-Ihem  
Clerk of the Board

By:   
Deputy

**Approved as to Form:**

Pamela J. Walls  
County Counsel

By:   
Patricia Munroe  
Deputy County Counsel

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
to Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** GARRY GRANT

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** Perris **Zip:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Date:** 11/5/13 **Agenda #** 3.21

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**  
       **Support**       X   **Oppose**            **Neutral**

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

       **Support**            **Oppose**            **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_



## **BOARD RULES**

### **Requests to Address Board on "Agenda" Items:**

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

### **Requests to Address Board on items that are "NOT" on the Agenda:**

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

### **Power Point Presentations/Printed Material:**

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

### **Individual Speaker Limits:**

**Individual speakers are limited to a maximum of three (3) minutes.** Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

### **Group/Organized Presentations:**

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

### **Addressing the Board & Acknowledgement by Chairman:**

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.

**Riverside County Board of Supervisors  
Request to Speak**

Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
to Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Paul Jacobs

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** Temecula **Zip:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Date:** 11/5/13 **Agenda #** 3-21

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

\_\_\_\_\_ **Support**      \_\_\_\_\_ **Oppose**      \_\_\_\_\_ **Neutral**

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\_\_\_\_\_ **Support**      \_\_\_\_\_ **Oppose**      \_\_\_\_\_ **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_

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