

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date:	September 18, 2018	[X] Consent [ ] Ordinance	[ ] Regular [ ] Public Hearing
Department:	<b>Facilities Development</b>	& Operations	

### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: an Eighth Amendment to Communication Tower Joint Use Agreement (R96-972D) with New Cingular Wireless PCS, LLC, a Delaware limited liability corporation (AT&T) for County's communication tower site located at Forest Hill Boulevard and the Turnpike for the period of July 16, 1996 through July 15, 2026.

Summary: The County and AT&T co-locate on this County-owned tower. This Eighth Amendment will document the addition of the County's Water Utilities Department Automated Meter system and AT&T's previous maintenance upgrade; permit AT&T to relocate its equipment on the tower and reserve space at the 90' elevation being vacated by AT&T; and modify the frequency lists and tower loading exhibits to reflect these changes. No structural modifications are necessary to maintain the towers' loading capacity for the County's current and future loading or for AT&T's current and future equipment. Each party will be responsible to obtain all necessary permits and governmental approvals associated with its modifications, and all equipment installations will be completed at each parties sole cost. There will be no service interruptions to the County's or AT&T's operations. This Eighth Amendment replaces Exhibit "C" Tower Configuration/Communication Equipment and Exhibit "D" Frequency List. All other terms of the Communication Tower Joint Use Agreement remain unchanged. PREM will continue to administer the Agreement. (PREM) District 2, Countywide (HJF)

Background and Justification: The Board approved the Communication Tower Joint Use Agreement for the Forest Hill Tower site on July 16, 1996 (R96-972D). The Board has previously approved various amendments to the Communication Tower Joint Use Agreement for the purposes of equipment modifications, generator installations, and updates to the notice provisions. The modifications proposed for this Eighth Amendment have been reviewed and approved by the Electronic Services and Security Division. The installation of new equipment is necessary to support the expansion of AT&T's services and will document use of the tower by the Water Utilities Department Automated Water Meter system. Florida Statutes does not require that a Disclosure of Beneficial Interests be obtained as AT&T is an entity registered with the Federal Securities Exchange Commission whose interest is for sale to the general public.

### **Attachments:**

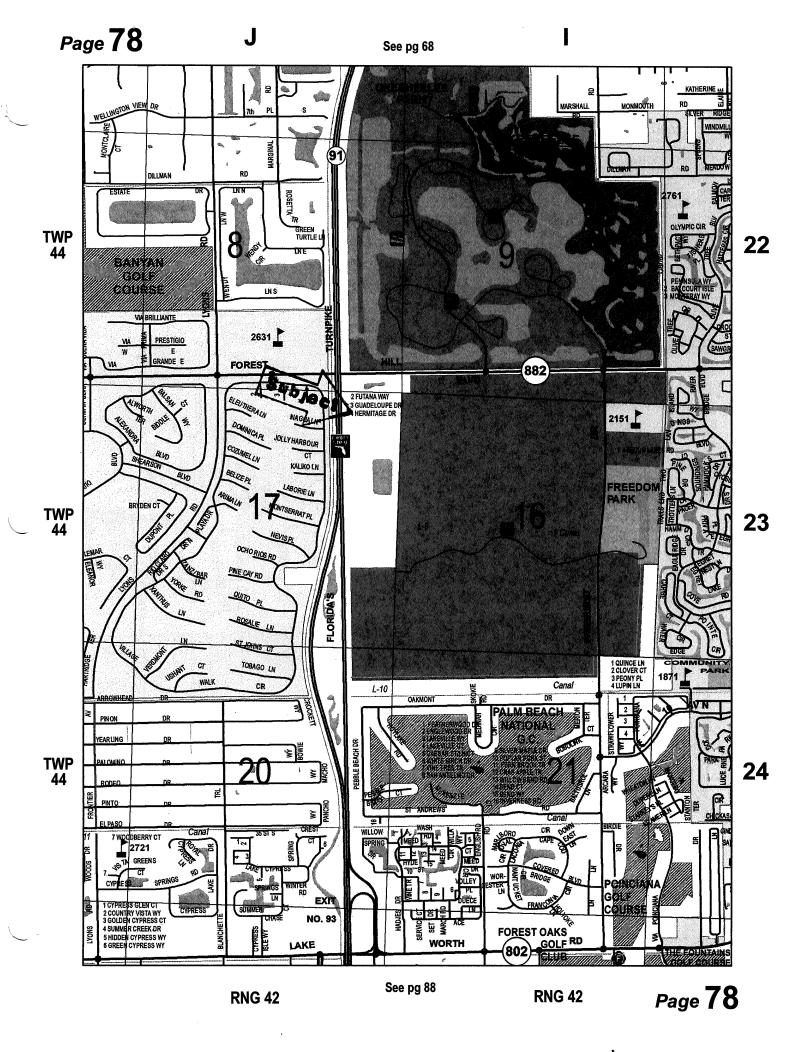
- 1. Location Map
- 2. Eighth Amendment to Communication Tower Joint Use Agreement (Forest Hill Boulevard)

Recommended By:	An my Work	8/21/18
	Department Director	Date
Approved By:	Maken	9/17/18
	County Administrator	Date

### II. FISCAL IMPACT ANALYSIS

<b>A.</b>	Five Year Summary of F	iscal Impact	t <b>:</b>			
Fisca	al Years	2018	2019	2020	2021	2022
Ope Exte Prog	ital Expenditures rating Costs ernal Revenues gram Income (County) Kind Match (County					
NET	FISCAL IMPACT	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
	ODITIONAL FTE SITIONS (Cumulative)					
Is It	em Included in Current E	Budget: Ye	s <u>X</u>	No	-	
Doe	s this item include the use	of federal f	unds? Yes	No _X_		
Bud	get Account No: Fund	I Program _		Unit	Object	
В.	Recommended Sources	of Funds/Su	mmary of Fis	scal Impact:		
	No fiscal impact, rental ra	ate is \$0.		$\Lambda$		
	Fixed Asset Number					
C.	Departmental Fiscal Re	view:	7	Sper		
		III. <u>RE</u> V	VIEW COM	MENTS		
	OEMBE: 1 1/ C	4 4 D	l			
<b>A.</b>	OFMB Fiscal and/or Co	Milio 98/2	$\wedge$	Development a	nd Control	4118
В.	Legal Sufficiency:				$\bigcirc$	
	Assistant County Attorne	9/4/18				
C.	Other Department Rev	iew:				
	Department Director					

This summary is not to be used as a basis for payment.



LOCATION MAP

Attachment /
1 pg



Attachment 2 Eighth Amendment to Communication Joint Use Agreement - 2 (7 pages) \*

## EIGHTH AMENDMENT TO COMMUNICATION TOWER JOINT USE AGREEMENT

### between

## PALM BEACH COUNTY, a political subdivision of the State of Florida

and

## NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company

### **Exhibits:**

Exhibit "C" - Tower Antenna Configuration Exhibit "D" - Frequency List

### EIGHTH AMENDMENT TO COMMUNICATION TOWER JOINT USE AGREEMENT

THIS EIGHTH AMENDMENT TO COMMUNICATION TOWER JOINT USE AGREEMENT (R96-972-D) (the "Eighth Amendment"), is made and entered into \_\_\_\_\_\_\_, by and between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as ("County"), and NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability company, successor in interest to AT&T Wireless Services of Florida, Inc., a Florida corporation ("AT&T").

#### WITNESSETH:

WHEREAS, County and AT&T Wireless Services of Florida, Inc., entered into that certain Communication Tower Joint Use Agreement dated July 16, 1996 (R96-972-D) (the "Agreement"), for the construction of a 400-foot self supported communications tower upon the Property at Forest Hill Blvd and the Turnpike, which Agreement has been amended; and

WHEREAS, the FIRST AMENDMENT TO THE COMMUNICATION TOWER JOINT USE AGREEMENT (R2002-0767) allowed AT&T to make additions and improvements to their antennae and equipment; and

WHEREAS, the SECOND AMENDMENT TO THE COMMUNICATION TOWER JOINT USE AGREEMENT (R2003-1068) allowed AT&T to install 2 new antennae and 2 new amplifiers to upgrade their third generation equipment; and

WHEREAS, the THIRD AMENDMENT TO THE COMMUNICATION TOWER JOINT USE AGREEMENT (R2006-0352) acknowledged that AT&T Wireless Services of Florida, Inc., through a succession of mergers merged into New Cingular Wireless PCS, LLC, and New Cingular Wireless PCS, LLC, agreed to be bound by all of the terms and conditions of the Agreement, as amended; acknowledged that County installed an additional emergency backup generator at the tower site; and allowed AT&T to upgrade its antenna and equipment; and

WHEREAS, the FOURTH AMENDMENT TO THE COMMUNICATION TOWER JOINT USE AGREEMENT (R2006-0855) allowed the County to modify the Tower in order to support the deployment of a countywide paging system by the Palm Beach County Fire Rescue Department; and

**WHEREAS**, the FIFTH AMENDMENT TO THE COMMUNICATION TOWER JOINT USE AGREEMENT (R2008-1477) allowed the County to install new equipment and update the tower frequencies in connection with County's re-banding of the 800 MHz frequency; and

WHEREAS, the SIXTH AMENDMENT TO THE COMMUNICATION TOWER JOINT USE AGREEMENT (R2012-0888) allowed the County and AT&T to modify their tower equipment and tower frequencies to reflect frequency and equipment changes necessary to provide for the County's wireless networks as well as AT&T's 4G-LTE service; and

WHEREAS, the SEVENTH AMENDMENT TO THE COMMUNICATION TOWER JOINT USE AGREEMENT (R2015-1704) allowed AT&T to install new equipment and modify the tower frequencies to provide expansion to AT&T's service; and

WHEREAS, County has completed modifications to its AMI Telemetry Meter System; and

WHEREAS, AT&T wishes to modify its tower equipment; and

WHEREAS, in order to accommodate County's and AT&T's modifications, it is necessary to modify the Tower Antenna Configuration exhibit and the Frequency List exhibit of the Agreement; and

**WHEREAS**, an updated structural study and intermodulation study were performed, and County and AT&T acknowledge and agree that the changes contemplated herein will not interfere with the frequencies of users on the Tower nor affect the structural capacity of the Tower; and

**WHEREAS**, the parties hereto desire to amend the Agreement, as amended, in accordance with the terms and conditions set forth herein.

- **NOW, THEREFORE,** in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:
- 1. The foregoing recitals are true and correct and incorporated herein by reference. All defined terms as used in this Eighth Amendment shall have the same meaning and effect as in the Agreement, as amended.
- 2. Exhibit "C" (Tower Antenna Configuration) of the Agreement is hereby replaced with Exhibit "C" (Tower Antenna Configuration) attached hereto.
- 3. Exhibit "D" (Frequency List) of the Agreement is hereby replaced with Exhibit "D" (Frequency List) attached hereto.
- 4. This Eighth Amendment shall become effective when signed by all parties and approved by the Palm Beach County Board of County Commissioners.
- 5. Except as modified by this Eighth Amendment and previous amendments, the Agreement remains unmodified and in full force and effect and the parties hereby ratify, confirm and adopt the Agreement, as amended, in accordance with the terms thereof.

### REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

**IN WITNESS WHEREOF**, County and AT&T have executed this Eighth Amendment, or have caused the same to be executed by their duly authorized representatives, as of the day and year first above written.

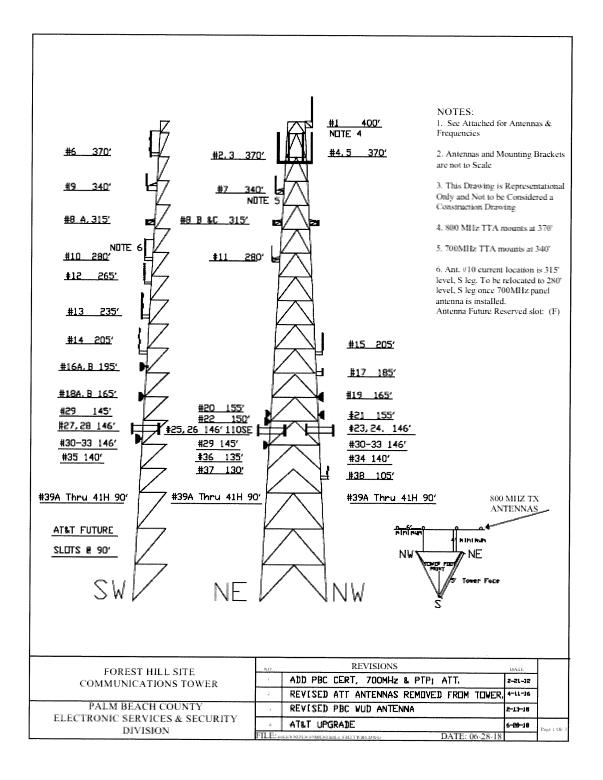
	NEW CINGULAR WIRELESS PCS, LLC, a Delaware limited liability
	company
WITNESS:	1 3
hyallt	By: AT&T Mobility Corporation, its Manager
Witness Signature	1)
Amy Mosk	Hall
Print Witness Name	
W	Henry Galan Area Manager
Witness Signature	R E & Construction
Anne Fod	
Print Witness Signature	
ATTEST:	PALM BEACH COUNTY, a political
CHADON D. DOOK	subdivision of the State of Florida
SHARON R. BOCK CLERK & COMPTROLLER	
By:	Ву:
Deputy Clerk	Melissa McKinlay, Mayor
	(SEAL)
WITNESSES:	
Signature of Witness	
_	
Print Name of Witness	
Fillit Name of Witness	
G! OXXVI	
Signature of Witness	
D N	
Print Name of Witness	
APPROVED AS TO FORM	APPROVED AS TO TERMS
AND LEGAL SUFFICIENCY	AND CONDITIONS
By: Hal	Protect Administrations
Assistant County Attorney	Audrey Wolf, Director

G:\PREM\PM\In Lease\AT&T Wireless Forest Hill\Amend 8\Amendment 001.docx

Facilities Development & Operations

### **EXHIBIT "C"**

### **Tower Antenna Configuration**



	FOREST HILL TOWER ANTENNA SCHEDULE										
000000000000000000000000000000000000000											
AUGU	AMPERIAL CENT	MESH	sase	WOUNT	set in	та компънстником г	STAND OFF	AZHIO DE	18.0	CAME	PAPERO
- 1	BERR-12H	CELWAYE	COUNTY SPOMEZ NX	CUSTOM	MATEINE	400	+	CHENY	FOF	LDF5-50	RX GNLY
2	B68N-12H	CELWAVE	COUNTY 600 MAC Do	COSTON	PATEING	3470'	ε.	OMM	NE	LDF6-50	SHM 385-168
3	BMH-32H	CELVAVE	COUNTY 800 MHZ 1X	CUSTON.	PATE (NC	2,50	<b>5</b> "	OMNE	NE	LØ66-50	Senta acca-res
4	8%H-12H	CELVIAVE	EQUATY 800 MM2 1X	CINSTON	PACEING	3797	8'	DMMs	NW	L47 F B - 5 D	551-896 MMZ
- 2	#MR-12H	CELWAVE	COUNTY 839 MHZ 1X	CUSTOM	PATE INC	3.76"	e/	OWN	NVC	LD#6-90	EST-BES ARRE
15	128-264A	DECISE.	PBC CERT (F)	51-800	ANDREW	3/10	6"	CAMERA	s	LDF5-56	tow.coomer
- t	Deserves - ins	ANDOEW	PBC MOMHA (F)	5-600	AMDREW	340	6'	CHANG	NE	LDFe-50	/DJ MHZ (NOTE 1)
E4 [*]	LN 8-85 12055-14M	Сотрасора	PBC 100MHz [6]:	5-400	ANISHE E	314,	ti .	Der	\$-	LD+6-50	700 MHZ (NOTE 1)
\$259 (°C)	LNX-651205-14M	Сатрасция	PROC ZODBAHIZ (F)	5-900	ANDREW	315	6	Dir	NE.	LOF6-50	/00 MH2TNO (E. 1)
8C [1]	LNX-9512US-14M	Сотрысции	PERC CROMING (F)	5-800	ANDREW	315	6'	1201	NVE	L1376-50	AND MINE (NOTE 1)
- 2	CHESSE	иносияел	PECFR COUNTYWIDE PACING	53176	VALISON	340"	15	CHARMS	. 4	1,00%-50	45.3.1500
10:~~	188-420	инсиян.	EMS MED COM RX	SAUXKLIF	ROHN	215 (C (200 (F)	57	OMN	s	LOTE-SE	RX ONLY
- 11	DB-EDDW/DE-XC	-ANEDME'N	COUNTRIDIMEN CONV. 1011	sedii	ANDREW	280	er:	CHAMIL	NE.	LD#5-50	BIZE JEDMINA
12	138-439	OBST8861	FINE RESCUE CND REPEATER	SANGLE	MACM	285	\$°	CHARLE	25	LOF5-50	453.1500
131	08-2644	mediaes.	FINE RESQUE THE HATE	SANCEP	IV) Direstiá	135	5"	CANALI	3-	LDF5-50	154 0.788
34	B013-67070-EE0046-25	DECIBEL	WWW. ANN ANY ENNA	BCD -36312000	AMPHENCE	205	50	OMM	3	ut-dava.	840 1750
75	DB-Hati	DECIBEL	TIME RESOLE BACK OF ANT	28300014	ROHN	205	9'	CHANG	NW	LDF5-50	453,1500
16A	とも146-20位	ANDALW	COUNTY WICHUWAVE	4119895	custam	1951	N/A	179:	- 5	£97-52	2014 spotenc
fres	ALS-ANI (~17-00)	ALVARION	PEC PIP OCU AN'I ENGA	CUSTOW	CUSTUM	382.	<b>郑</b> .朱	THU	2	CAIS	5. N. S. B. G. PK.E.
12	A52228-4611	MD:TUBULA	COUNTY TEST ANTENNA	z irure	CUSTOM	785°	N/A	CHMNI	NAVE	LUF5-50	HDOMH2
TEA.	1548038-29	ANCOREM	COUNTY MICHOWAVE	4" PURE	CUSTOM	1695	NA	261	5	277-03	9974.650TM/Hz
348	PARH-COS	AMONEW	COUNTY MIDROWAVE	4' Inine	custom	385.	N/A.	179	5	EW-6.5	6004.300MHz
tu	AD-ANT-17-90	ALWARDON	PRE PIN CRU ANTENNA	CUSTOM	custom	765.	N/A	1823	NV	CAID	5.7-5.8 GHZ
20	PARIS-85A	ANDMEW	PBC MICROWAVE	4" Ingric	custam	1555	N/A	BO	NE	£47-63	6745.D0MHZ
21	LIMAGHISHAA	ANDREW	PRC MICHOWAVE	4: Jedish	CUSTUM	1551	56/4	281	NV	697-83	6785.00MHz
22	PARE-CIAS	WEIGHA	COUNTY MICHOWAVE	4. Indef	CUSTOM	150"	NA	ដ។	RE	5W-52	2HSSODS, LOGW
23	2800Hm-70456	ANDMEW	atel rundens	Custom	CUSTOM	146	1634	350	24/34	LDF 7-59	adu-sun MHZ
24	2個別中は5月日日1日	ANDREW	ATST PUBLICAD	CUSTOM	CUSTOM	146	K/A	350	PKW	11397-50	1645-1946 MMZ
225	SENHH-TÜRSE	ANDREW	ATAT WHELESS	CUS FOM	CUSTOM	146	N/A	170	38	LDFT-Sp	\$450-637 MHZ
25	SBAHH-10008	ANDREW	ALE! WHELESS	CUSTOM	CUSTOM	146	N/A.	110	SE	100.1-98	1646-1948 MHZ
25	SBRAMH-1Cases	ANDREW	ATAT WRELESS	CUSTOM	CUSTUM	146*	NA	230	STVV	LGP7-50	SHIP-KUT MHLZ
28	S654PtP-10656	ANDSE;w	ATET WINELESS	CUSTOM	CUSTON	140	NA	230	376	1,047,450	1846-1448 MMZ
211	js) AtM19801712-p	10/5	ATET WINELESE	CUSTOM	CUETOM	145	N/A			Jamper Gables	
30	[3] ØCs-48-80-18-8C	NAYCAP	ATEI WMELETS	CUS FOM	custan	146	10,44			(6) Power Cebias	

					T			1			
21	(3) REPORTS 4425 Bros	ERICSSON	ATAI WINEEESS	CUSTOM	CUSTOM	146	N/A	1	l	(3) Probests	1648-1948 MHZ
32	(3) RH2/5 4415 ben	ENUSEON	Alg. Wereless	Custow	CUSTOM	145	Nos				1848-1948 MHZ
33	(3) HPUS 32	ERICESON	ASAT WMELESS	CUSTOM	CUSTOM	146	SA				1646-1948 MHZ
34	UNING-HIS-NAA	ANDMEW	PBC MICROWAVE	4.1444年	GUSTOM	140	N/A	281	NW	EW-63	2974.6500Mms
75	PAHII-SE	ANDMEN	COUNTY MICHOWAVE	4179%	custom	740	N/A	1/3	ä	58/-52	9974 S00MHz
316	PARISHDA	ANDSEW	COUNTY MICHOWAVE	41 (1976)	custom	125/	N/A	178	5.	597-62	5/15-00 MMz
3-0	**Ans-edeng	ANDMEW	COUNTY MICROWAVE	4" 175%	custom	130	16.94	72	NE.	EW-63	6645.00 Mhu
28	DB-222	DECHEL	COUNTY MOSCAD	82163	MCMORLECT	30%	1*	CANC	24/8	Lidha-bil	159.15(3)
184 ° to 4181°	ARE HUTURE SLOTS					90					

Notes: 1 (\*) Future

2 ("") AT&T Puture Slots

3 (\*\*) Future, antenna to be relocated from F15' to 200' level on Sileg, once F59MHz panel antennas are installed. Currently, antenna 08425' at 315' was on Pase's Structure study delad Agril 3, 2912. [C] CURRENT; (\*) FUTURE.

MORE 1:	PALM BEACH C	CONTY FOR UNE PLAN / DOUBLE	FREDRENCES				
Tequarus ID Proje	rct:	700 Matural Aud		700 Mutual Aid		100 Sepadban	d
rac	RR	TR	TX.	R.K.	ROK	13.	нx
7/P - /1925ti	1900 PERS	0 to to 242.05	(73.75825)	F29 24375	60375505	758-753	783-793
1/21,386/20	HE2.24/%	/68LF43.05	174.25655	799.74375	814,25525		
17%.396Fb	BEG-38575	779.24375	f //4.858(2b)	8000-040075	604.85825	Frequencies a	ors tim MHz
C73.80F5	MED:303/5	ATTEMENTS.		820 S92/5		,	
(#4.FIFn	HD4 7375	77E25625		810.25625			

27.2015

### EXHIBIT "D"

### PALM BEACH COUNTY ELECTRONIC SERVICE AND SECURITY DIVISION 800MHz SYSTEM FREQUENCIES SITE NAME: Forest Hill Tower

### 6-28-2018

TRANSMIT	RECEIVE	USE	NOTE
851.8500	806.8500	PBC 800MHz Trunked System	(1)
851.3125	812.3125	PBC 800MHz Trunked System	(1)
851.3250	806.3250	PBC 800MHz Trunked System	(1)
852.1000	807.1000	PBC 800MHz Trunked System	(1)
853.2250	808.2250	PBC 800MHz Trunked System	(1)
851.7500	806.7500	PBC 800MHz Trunked System	(1)
851.6250	806.6250	PBC 800MHz Trunked System	(1)
851.6000	806.6000	PBC 800MHz Trunked System	(1)
852.3250	807.3250	PBC 800MHz Trunked System	(1)
851.1250	806.1250	PBC 800MHz Trunked System	(1)
851.1000	806.1000	PBC 800MHz Trunked System	(1)
860.3375	815.3375	PBC 800MHz Trunked System	(1)
859.3375	814.3375	PBC 800MHz Trunked System	(1)
853.7000	808.7000	PBC 800MHz Trunked System	(1)
856.3375	811.3375	PBC 800MHz Trunked System	(1)
860.3125	815.3125	PBC 800MHz Trunked System	(1)
852.3375	807.3375	PBC 800MHz Trunked System	(1)
853.6500	808.6500	PBC 800MHz Trunked System	(1)
856.3125	811.3125	PBC 800MHz Trunked System	(1)
858.3125	813.3125	PBC 800MHz Trunked System	(1)
852.3500	807.3500	PBC 800MHz Trunked System	(1)
858.3375	813.3375	PBC 800MHz Trunked System	(1)
859.3125	814.3125	PBC 800MHz Trunked System	(1)
851.8250	806.8250	PBC 800MHz Trunked System	(1)
770.7625	800.7630	PBC 700MHz IO Project	(2)
772.2875	802.2880	PBC 700MHz IO Project	(2)
773.3875	803.3880	PBC 700MHz IO Project	(2)
773.9375	803.9380	PBC 700MHz IO Project	(2)
774.7375	804.7380	PBC 700MHz IO Project	(2)
769.2438	799.2440	PBC 700MHz IO Mutual Aid	(2)
769.7438	799.7440	PBC 700MHz IO Mutual Aid	(2)
770.2438	800.2440	PBC 700MHz IO Mutual Aid	(2)
770.9938	800.9940	PBC 700MHz IO Mutual Aid	(2)
773.2563	803.2560	PBC 700MHz IO Mutual Aid	(2)
773.7563	803.7560	PBC 700MHz IO Mutual Aid	(2)
774.2563	804.2560	PBC 700MHz IO Mutual Aid	(2)
774.8563	804.8560	PBC 700MHz IO Mutual Aid	(2)
758 thru 763	788 thru 793	PBC 700MHz Broadband	(2)
5974.8500	6226.8900	PBC Digital Microwave	(1)
6004.5000	6256.5400	PBC Digital Microwave	(1)
6845	6685	PBC Digital Microwave	(1)
6063.8000	6315.8400	PBC Digital Microwave	(1)
6745	6585	PBC Digital Microwave	(1)