

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes _____ No X_____

Does this item include the use of federal funds? Yes _____ No X_____

Budget Account No: Fund _____ Dept _____ Unit _____ Object _____
 Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

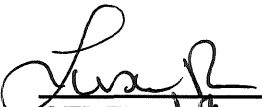
No fiscal impact.

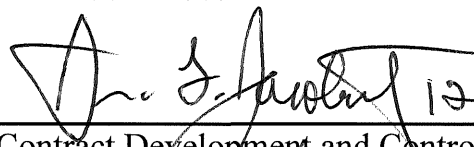
Fixed Asset Number N/A

C. Departmental Fiscal Review: 

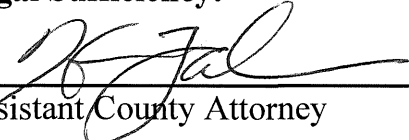
III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

 12/17/19
 OFMB 12/17/19

 12/19/19
 Contract Development and Control
 12/18/19 JD

B. Legal Sufficiency:

 12/19/19
 Assistant County Attorney

C. Other Department Review:

 Department Director

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



LOCATION MAP

Attachment #1



ATTACHMENT #2
NINTH AMENDMENT TO COMMUNICATION TOWER (3)
10 PAGES EACH

**NINTH AMENDMENT TO
COMMUNICATION TOWER AGREEMENT**

between

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

And

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

20 Mile Bend Tower

Exhibits:

Exhibit "B" - Tower Loading Diagram

**NINTH AMENDMENT TO
COMMUNICATION TOWER AGREEMENT**

THIS NINTH AMENDMENT TO COMMUNICATION TOWER AGREEMENT (R99-312-D) (the "Ninth Amendment"), is made and entered into _____, by and between **PALM BEACH COUNTY**, a political subdivision of the State of Florida, by and through its Board of County Commissioners, 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 is the owner of certain real property in Palm Beach County, Florida, located at 20 Mile Bend; and

WHEREAS, County constructed a 400-foot self-supporting communications tower upon the Property; and

WHEREAS, AT&T installed, operated and maintained AT&T cellular communications equipment on the Tower pursuant to a Communication Tower Agreement between County and AT&T dated February 23, 1999 (R99-312-D)(the "Agreement"), which Agreement has been amended; and

WHEREAS, the First Amendment to Communication Tower Agreement (R2002-0765) ("First Amendment") allowed AT&T to make additions and improvements to its antennas and equipment; and

WHEREAS, the Second Amendment to Communication Tower Agreement (R2003-1067) ("Second Amendment") allowed AT&T to make additions and improvements to its antennas and equipment; and

WHEREAS, the Third Amendment to Communication Tower Agreement (R2004 - 2499) ("Third Amendment") allowed AT&T to upgrade its antenna and equipment; and

WHEREAS, the Fourth Amendment to Communication Tower Agreement (R2005 - 1498) ("Fourth Amendment") allowed the County to relocate the antenna locations for two County users on the Tower; and

WHEREAS, the Fifth Amendment to Communication Tower Agreement (R2006-0856) ("Fifth Amendment") allowed 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 Sixth Amendment to Communication Tower Agreement (R2007-0955) ("Sixth Amendment") modified the Tower Site Plan exhibit to allow AT&T to install a generator on the Property; and

WHEREAS, the Seventh Amendment to Communication Tower Agreement (R2008-1478) ("Seventh Amendment") allowed County to install new equipment and update the Tower frequencies in connection with County's re-banding of the 800 MHz frequency; and

WHEREAS, 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; and

WHEREAS, the Eighth Amendment to Communication Tower Agreement (R2012-0889) (“Eighth Amendment”) allowed AT&T to upgrade its antenna and equipment; and

WHEREAS, both County and AT&T wish to modify their tower equipment, tower frequencies, document reservations for future County use of the antennas, and revise Exhibit “B” to reflect those modifications, and County wishes to incorporate certain language into 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; and

WHEREAS, AT&T acknowledges that should structural changes to the Tower be required by AT&T’s modifications, the modifications shall be made at AT&T’s sole cost and expense and shall be in compliance with the terms of the Agreement; 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 used in this Ninth Amendment shall have the same meaning and effect as in the Agreement, as amended.
2. Exhibit “B” (Tower Loading Diagram) of the Agreement, as amended, is hereby replaced with Exhibit “B” (Tower Loading Diagram) attached hereto.
3. Section 12.01, Non-Discrimination, is hereby deleted and replaced with the following:

Section 12.01 Non-Discrimination.

The County is committed to assuring equal opportunity in the award of agreements and complies with all laws prohibiting discrimination. Pursuant to Palm Beach County Resolution R2017-1770, as may be amended, AT&T warrants and represents that throughout the term of this Agreement, including any renewals thereof, if applicable, all individuals shall be treated equally without regard to race, color, religion, disability, sex, age, national origin, ancestry, marital status, familial status, sexual orientation, gender identity or expression, or genetic information with respect to any activity occurring at the Property or conducted pursuant to this Agreement. Failure to meet this requirement shall be considered default of this Agreement. AT&T warrants that in the event the facilities constructed or operated upon the Property are public facilities the same shall be open to and benefit all residents of Palm Beach County and shall be available thereto on the same cost and availability basis as to residents of the municipality in which the Property is located.

4. Palm Beach County has established the Office of the Inspector General in Palm Beach County Code, Section 2-421 - 2-440, as may be amended. The Inspector General is authorized with the power to review past, present and proposed County contracts, transactions, accounts and records. The Inspector General’s authority includes, but is not limited to, the power to audit, investigate, monitor, and inspect the

activities of entities contracting with the County, or anyone acting on their behalf, in order to ensure compliance with contract requirements and to detect corruption and fraud. Failure to cooperate with the Inspector General or interfering with or impeding any investigation shall be a violation of Palm Beach County Code, Section 2-421 - 2-440, and punished pursuant to Section 125.69, Florida Statutes, in the same manner as a second degree misdemeanor.

5. No provision of this Agreement is intended to, or shall be construed to, create any third party beneficiary or to provide any rights to any person or entity not a party to this Agreement, including but not limited to any citizens of Palm Beach County or employees of County or AT&T.

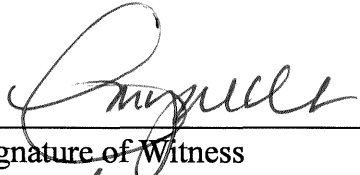
6. This Ninth Amendment shall become effective when signed by all parties and approved by the Palm Beach County Board of County Commissioners.

7. Except as modified by this Ninth 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.

(The remainder of this page intentionally left blank)

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


WITNESS:



Signature of Witness

Amy Meek

Print Witness Name



Signature of Witness

Blair Ellenberger

Print Witness Name

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

By: AT&T Mobility Corporation, its
Manager

By: 

Title: John Heagy, Area Mgr

Date: 11/12/19

(SEAL)

ATTEST:

SHARON R. BOCK
CLERK & COMPTROLLER

By: _____
Deputy Clerk

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

By: _____
Dave Kerner, Mayor

WITNESS:

Signature of Witness

Print Witness Name

Signature of Witness

Print Witness Name

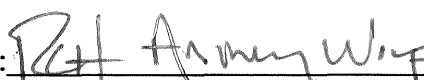
(SEAL)

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: 

Assistant County Attorney

APPROVED AS TO TERMS
AND CONDITIONS

By: 

Audrey Wolf, Director
Facilities Development & Operations

10/24/2019

PALM BEACH COUNTY
ELECTRONIC SERVICES AND SECURITY DIVISION
"EXHIBIT B"

ANT #	ANTENNA TYPE	MFGR	USE	MOUNT	MFR	MOUNTING HEIGHT	STAND OFF	AZIMUTH	LEG	CABLE	TX FREQ	NOTE
1	1055-146	Southwest Antenna	CHANNEL 20 LIVE RETURN	CUSTOM	CUSTOM	401'	N/A	OMNI	NW	LMR-400	RX ONLY	1
2	BMR12-O	CELWAVE	COUNTY 800 MHZ RX	CUSTOM	CELWAVE	397'	6'	OMNI	SW	LDF6-50	RX ONLY	1
3A	JUNCTION BOX	HOFFMAN MODEL CCA332311	CHANNEL 20 LIVE RETURN	CUSTOM	CUSTOM	395'	N/A	N/A	NW	N/A	N/A	1
3B	CO235-11	COLLINEAR	CHANNEL 20 LIVE RETURN	CUSTOM	CUSTOM	395'	N/A	OMNI	NW	LMR-400	RX ONLY	1
3C	CO235-11	COLLINEAR	CHANNEL 20 LIVE RETURN	CUSTOM	CUSTOM	395'	N/A	OMNI	NW	LMR-400	RX ONLY	1
4	BMR12-B	CELWAVE	COUNTY 800 MHZ TX	CUSTOM	CUSTOM	370'	12'	OMNI	NW-SW	LDF6-50	856-868 MHz	1
5	BMR12-B	CELWAVE	COUNTY 800 MHZ TX	CUSTOM	CUSTOM	370'	12'	OMNI	E-NW	LDF6-50	856-868 MHz	1
6	BMR12-B	CELWAVE	COUNTY 800 MHZ TX	CUSTOM	CUSTOM	370'	6'	OMNI	E	LDF6-50	856-868 MHz	1
7	BMR12-B	CELWAVE	COUNTY 800 MHZ TX	CUSTOM	CUSTOM	370'	6'	OMNI	NW	LDF6-50	856-868 MHz	1
8	EMPTY		RESERVED FOR FUTURE			365'						3
9	EMPTY		RESERVED FOR FUTURE			365'						3
*10	DB-810E-PS	RFS	PBC Future 700MHz	CUSTOM	TBD	365'	6'	TBD	SW	LDF5-50	See Table 1	1
11	742-266	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	325	NW	LDF7-50	869-891 MHz & 1848-1948 MHz	1
11A	AMT19801712-0	RFS	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	325	NW	5/16 RET Cables	869-891 MHz & 1848-1948 MHz	1
11B	800-10966	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	325	NW	LDF7-50	869-891 MHz & 1848-1948 MHz	1
11C	800-10966	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	325	NW	LDF7-50	869-891 MHz & 1848-1948 MHz	1
12	B5 B124449	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	325	NW	LDF7-50	869-891 MHz & 1848-1948 MHz	1
12A	B2B06A 8843	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	325	NW	LDF7-50	869-891 MHz & 1848-1948 MHz	1
12B	B144478	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	325	NW	LDF7-50	869-891 MHz & 1848-1948 MHz	1
12C	DC6-48-60-18-8F	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	325	NW	ROSENBERGER	869-891 MHz & 1848-1948 MHz	1

PALM BEACH COUNTY
ELECTRONIC SERVICES AND SECURITY DIVISION
"EXHIBIT B"

10/24/2019

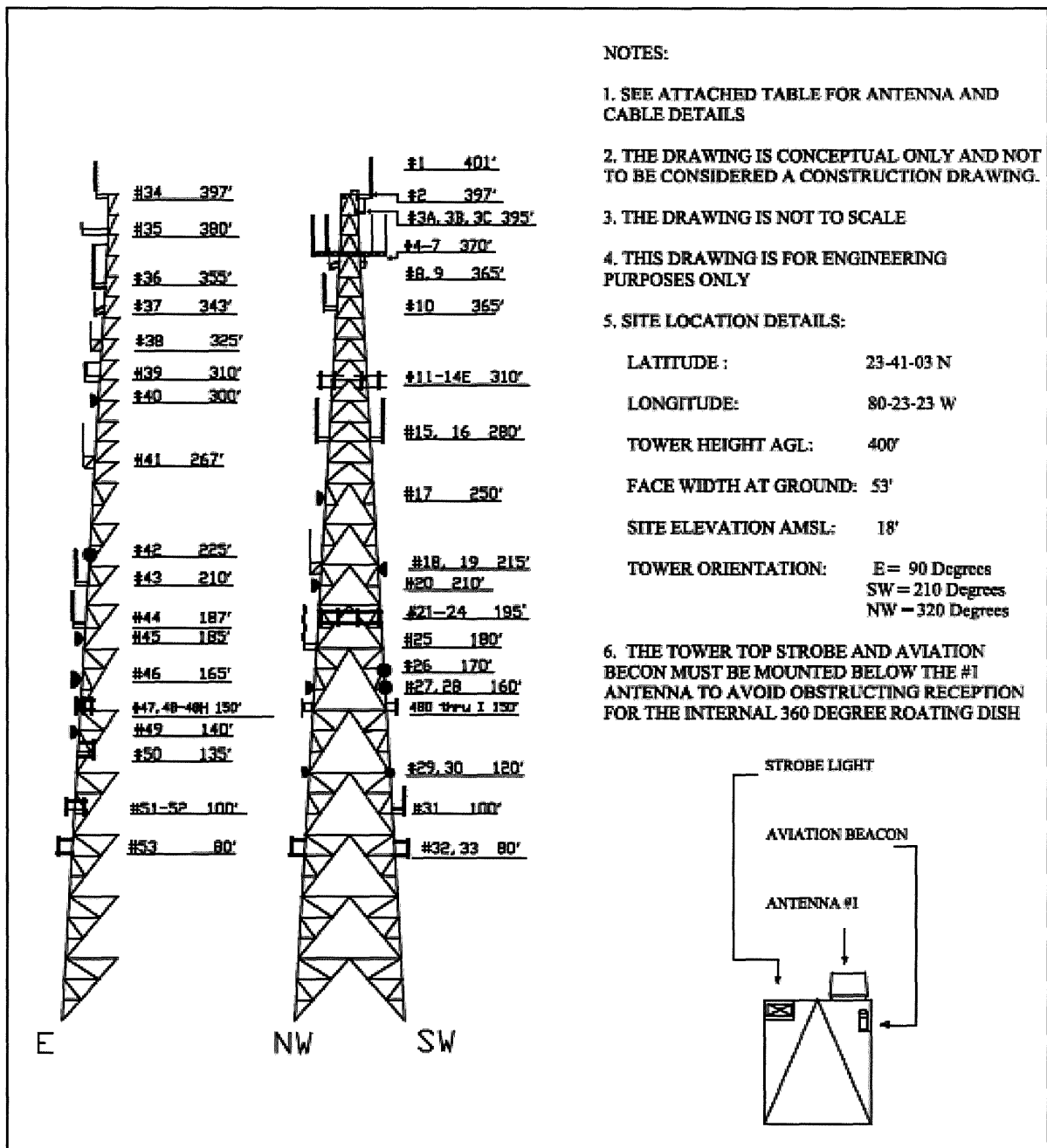
ANT #	ANTENNA TYPE	MFR	USE	MOUNT	MFR	MOUNTING HEIGHT	STAND OFF	AZMUTH	LEG	CABLE	TX FREQ	NOTE
12D	C10857003C	SABRE	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	325	NW	LDF7-50	869-891 MHZ & 1848-1948 MHz	1
12E	FDGW55043C-3	RFS	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	325	NW	DIPLEXER	869-891 MHZ & 1848-1948 MHz	1
13	742-266	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	250	SW	LDF7-50	869-891 MHZ & 1848-1948 MHz	1
13A	AMT19801712-0	RFS	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	250	SW	5/16 RET Cables	869-891 MHZ & 1848-1948 MHz	1
13B	800-10966	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	250	SW	LDF7-50	869-891 MHZ & 1848-1948 MHz	1
13C	800-10966	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	250	SW	LDF7-50	869-891 MHZ & 1848-1948 MHz	1
14	B5 B12 4449	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	250	SW	LDF7-50	869-891 MHZ & 1848-1948 MHz	1
14A	B2B66A 8843	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	250	SW	LDF7-50	869-891 MHZ & 1848-1948 MHz	1
14B	B14 4478	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	250	SW	LDF7-50	869-891 MHZ & 1848-1948 MHz	1
14C	DC6-48-60-18-8C-EV	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	250	SW	ROSENBERGER	869-891 MHZ & 1848-1948 MHz	1
14D	C10857003C	SABRE	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	250	SW	LDF7-50	869-891 MHZ & 1848-1948 MHz	1
14E	FDGW55043C-3	RFS	AT&T WIRELESS	CUSTOM	CUSTOM	310'	6'	250	SW	DIPLEXER	869-891 MHZ & 1848-1948 MHz	1
*15	DB-264A	DECIBEL	COUNTY VHF SPARE	CUSTOM	CUSTOM	280'	6'	OMNI	NW	TBD	TBD	1
*16	DB-264A	DECIBEL	COUNTY VHF SPARE	CUSTOM	CUSTOM	280'	6'	OMNI	SW	TBD	TBD	1
*17	PAR6-65A	ANDREW	COUNTY MICROWAVE	4.5' PIPE	CUSTOM	250'	N/A	TBD	NW	EWP-63	6665	1
*18	DB812K-XT	DECIBEL	COUNTY 800 SPARE	SA6XXPL	ROHN	215'	6'	OMNI	NW	LDF7-50	SPARE	1
*19	HPD6-11	RADIOWAVE	PBC ISS FUTURE	8' PIPE	ROHN	215'	6'	95	SW	WE90	10.7-11.7GHZ	2
*20	PAR6-65A	ANDREW	COUNTY MICROWAVE	4.5' PIPE	CUSTOM	210'	N/A	TBD	E	EWP-63	6665	1
*21	AP22 1850	SCALA	FUTURE PCS USER	CUSTOM	CUSTOM	195'	TBD	120	NW	LDF7-50	TBD	1
*22	AP22 1850	SCALA	FUTURE PCS USER	CUSTOM	CUSTOM	195'	TBD	120	NW	LDF7-50	TBD	1
*23	AP22 1850	SCALA	FUTURE PCS USER	CUSTOM	CUSTOM	195'	TBD	120	SW	LDF7-50	TBD	1
*24	AP22 1850	SCALA	FUTURE PCS USER	CUSTOM	CUSTOM	195'	TBD	120	SW	LDF7-50	TBD	1
*25	DB264A	DECIBEL	COUNTY VHF SPARE	SA6XXPL	ROHN	180'	6'	OMNI	NW	LDF5-50	TBD	1
26	PAR6-65A	ANDREW	AVIAT MICROWAVE	4.5' PIPE	CUSTOM	170'	N/A	TBD	SW	EWP-63	6695	1
27	PAR6-65A	ANDREW	COUNTY MICROWAVE	4.5' PIPE	CUSTOM	160'	N/A	303	NW	EWP-63	6635 MHz	1

10/24/2019

PALM BEACH COUNTY
ELECTRONIC SERVICES AND SECURITY DIVISION
"EXHIBIT B"

ANT #	ANTENNA TYPE	MFR	USE	MOUNT	MFR	MOUNTING HEIGHT	STAND OFF	AZMUTH	LEG	CABLE	TX FREQ	NOTE
28	PAR6-59	ANDREW	COUNTY MICROWAVE	4.5' PIPE	CUSTOM	160'	N/A	263	SW	EWP-63	6286 MHz	1
29	PL4-65	ANDREW	COUNTY MICROWAVE	4.5' PIPE	CUSTOM	120'	N/A	303	NW	EWP-52	6635 MHz	1
30	PL4-59	ANDREW	COUNTY MICROWAVE	4.5' PIPE	CUSTOM	120'	N/A	263	SW	EWP-63	6286 MHz	1
31	DB-222	DECIBEL	MOSCAD	SA6XXPL	ROHN	100'	6'	OMNI	SW	LDF4-50	159.15	1
* 32	DL-2412	ANDREW	SFWM	TBD	TBD	80'	6'	TBD	SW	EW20	TBD	2
* 33	DL-2412	ANDREW	SFWM	TBD	TBD	80'	6'	TBD	NW	EW20	TBD	2
*34	DB-810E-PS	RFS	PBC Future 700MHz	CUSTOM	TBD	397'	6'	OMNI	E	LDF6-50	See table 1	1
35	EMPTY	N/A	RESERVED FOR FUTURE	N/A	N/A	380'	N/A	N/A	E FACE	N/A	N/A	3
36	DB224	DECIBEL	EOC / RACES	SA6XXPL	ROHN	355'	6'	OMNI	E	LDF5-50	147.380 MHz	1
37	EMPTY	N/A	RESERVED FOR FUTURE	N/A	N/A	343'	N/A	N/A	E	N/A	N/A	1
38	DB636C	DECIBEL	PBCFR PAGING	B3117	VALMONT	325'	8'	OMNI	E	LDF5-50	453.150	1
39	DB408	DECIBEL	EOC / RACES	SA6XXPL	ROHN	310'	6'	OMNI	E	LDF5-50	444.275 MHz	1
40	P6-59D	ANDREW	CHANNEL 20 MICROWAVE	4.5' PIPE	CUSTOM	300'	N/A	TBD	E	EWP63	6555	1
*41	DB812K-XT	DECIBEL	COUNTY 800 SPARE	SA6XXPL	ROHN	267'	6'	OMNI	E	LDF7-50	SPARE	1
42	PAR6-65A	ANDREW	COUNTY MICROWAVE	4.5' PIPE	CUSTOM	225'	N/A	76	E	EWP-63	6565 MHz	1
*43	DB420B	DECIBEL	PBSO, PBOFR, UHF RX	SA6XXPL	ROHN	210'	6'	OMNI	E	LDF5-50	TBD	1
44	DB420B	DECIBEL	WATER UTILITIES TELEMETRY	SA6XXPL	ROHN	187'	6'	OMNI	E	LDF5-50	460.5230/465.5230	1
45	PAR6-65A	ANDREW	COUNTY MICROWAVE	4.5' PIPE	CUSTOM	185'	N/A	76	E	EWP-63	6565 MHz	1
46	PAR8-65ARF	ANDREW	COUNTY MICROWAVE	4.5' PIPE	CUSTOM	165'	N/A	101	E	EWP-63	6685 MHz	1
47	AP-800-10121	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	150'	6'	90	E	LDF7-50	869-891 MHz & 1848-1948 MHz	1
48	800-10966	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	150'	6'	90	E	DC & FIBER CABLE	698-894MHz & 1710-2170MHz	1
48A	AMT19901712-0	AMT	AT&T WIRELESS	CUSTOM	CUSTOM	150'	6'	90	E	5/16 RET Cables	698-894MHz & 1710-2170MHz	1
48B	800-10966	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	150'	6'	90	E	DC & FIBER CABLE	698-894MHz & 1710-2170MHz	1
48C	C10857003C	SABRE	AT&T WIRELESS	CUSTOM	CUSTOM	150'	6'	90	E	LDF7-50	869-891 MHz & 1848-1948 MHz	1
48D	B144478	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	150'	6'	90	E	LDF7-50	869-891 MHz & 1848-1948 MHz	1
48E	B5 B124449	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	150'	6'	90	E	LDF7-50	869-891 MHz & 1848-1948 MHz	1
48F	AMT19901712-0	RFS	AT&T WIRELESS	CUSTOM	CUSTOM	150'	6'	250	SW	5/16 RET Cables	698-894MHz & 1710-2170MHz	1
48G	B2B66A 8843	KATHREIN	AT&T WIRELESS	CUSTOM	CUSTOM	150'	6'	250	SW	LDF7-50	869-891 MHz & 1848-1948 MHz	1

EXHIBIT "B"
Tower Loading Diagram



20 MILE BEND COMMUNICATIONS TOWER	REVISIONS		
	NO.	DATE	
PALM BEACH COUNTY ELECTRONIC SERVICES AND SECURITY DIVISION	1	ADD AT&T ANTENNAS	12/31/01
	2	ADD METRO PCS ANTENNAS	05/03/05
	3	ADD 50 MW DISHES, WU, SPWM ANTENNAS	04/23/07
	4	UPDATE ANTENNA SCHEDULE CH20	01/19/17
	5	UPDATE ATT EXHIBITS	10/24/19
<small>FILE: C:\Kier\2019\20 Mile Bend Tower Exhibit\20 Mile Tower1</small>		<small>DATE: 10/24/2019</small>	<small>Sheet 5 of 5</small>