



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

| | |
|---------------------------|---|
| TO: | Mayor and Members General Issues Committee |
| COMMITTEE DATE: | August 10, 2015 |
| SUBJECT/REPORT NO: | Rooftop Cell Tower License between City of Hamilton (Licensor) and Globalive Wireless Management Corp. (Carrying on Business as WIND Mobile Inc.) (Licensee) on part of the York Boulevard Parkade located at 28 York Boulevard, Hamilton (PED15114) (Ward 2) |
| WARD(S) AFFECTED: | Ward 2 |
| PREPARED BY: | John Hamilton (905) 546-2424 Ext. 7045 |
| SUBMITTED BY: | Jason Thorne General Manager Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATIONS

- (a) That a new License Agreement between the City of Hamilton (the Licensor) and Globalive Wireless Management Corp. (the Licensee) for space forming part of 28 York Boulevard, and specifically on the elevator shaft rooftop and in a small alcove on the top floor, as shown on Appendix “A” and “B” attached to Report PED15114, substantially based on the terms and conditions contained in Appendix “C” attached to Report PED15114, and such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department, be approved;
- (b) That a Ward 2 Capital Reserve Fund be established to fund projects that benefit Constituents of Ward 2 and the net proceeds from the cell tower License described in Recommendation (a) to Report PED15114, be deposited to this Ward 2 Capital Reserve and that the Reserve Funds be utilized in accordance with the City of Hamilton Reserve Policies;
- (c) That the License proceeds be credited to Account No. 46083-205300, and that any costs related to the License, including Real Estate and Legal Fees (\$5,310) and any other expenditures, be funded from Account No. 46083-205300 and credited to Account No. 45408-3560150200;

SUBJECT: Rooftop Cell Tower License between City of Hamilton (Licensor) and Globalive Wireless Management Corp. (Carrying on Business as WIND Mobile Inc.) (Licensee) on part of the York Boulevard Parkade located at 28 York Boulevard, Hamilton (PED15114) (Ward 2) - Page 2 of 4

- (d) That the Mayor and City Clerk be authorized and directed to execute the License and all other necessary associated documents, such License and documents to be in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

This Report seeks Council's approval to enter into a new License Agreement with Globalive Wireless Management Corp. (carrying on business as WIND Mobile Inc.) at 28 York Boulevard. Wind Mobile Inc. will mount antennae near the top of the elevator shaft above the top floor at the York Boulevard Parkade (Parking Lot 69) and will use a small alcove on the top floor to locate its monitoring equipment. No parking areas will be affected and the antennae / equipment will be inaccessible to the public.

This License will allow WIND Mobile Inc. to provide improved coverage in downtown Hamilton and more importantly, it will enable it to handle the increased capacity it has experienced since the advent of smartphones.

The recommendations are consistent with the City's Real Estate Portfolio Management Strategy and Procedural By-Law No. 14-204, approved by City Council on August 15, 2014.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The cell tower will provide new long-term revenue, escalating annually. Net License proceeds will be credited to Account No. 46083-205300 and transferred to a new Ward 2 Capital Reserve Fund.

Staffing: There are no increases to staff levels associated with the recommendations of this Report.

Legal: Legal Services Division will be involved in the development of the License Agreement through to its completion.

HISTORICAL BACKGROUND

The initial Telecommunications Tower and Antenna Protocol approved by Council on August 13, 2009, guides the design and siting of new telecommunications facilities within the City of Hamilton. Included in the protocol are special instructions for cell towers on City-owned property, including rooftop locations.

SUBJECT: Rooftop Cell Tower License between City of Hamilton (Licensor) and Globalive Wireless Management Corp. (Carrying on Business as WIND Mobile Inc.) (Licensee) on part of the York Boulevard Parkade located at 28 York Boulevard, Hamilton (PED15114) (Ward 2) - Page 3 of 4

In March 2015, WIND Mobile Inc. submitted a proposal to the City to locate rooftop antennae at the York Parkade. Various locations were previously examined but the location above the York Boulevard Parkade was deemed to be the least intrusive.

RELEVANT CONSULTATION

- City Manager's Office, Legal Services Division;
- Planning and Economic Development Department, Parking and By-law Services Division; and,
- Ward Councillor.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

By adopting the recommendation(s), the City will have secured a long-term revenue source. Revenues earned will escalate annually at 3%.

WIND Mobile Inc. will have access to the top floor of the parkade for service. The proposed License Agreement does not impact the structure or operations of the parking facility.

The recommendations comply with the intent of the Telecommunications Tower and Antenna Protocol. This tower is located away from residential uses. Revenue earned will remain within the Ward for use within the neighbourhood.

Real Estate staff considers the terms and conditions of the agreement to be fair, reasonable and at market value. The Ward Councillor is aware of the proposed transaction.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous and Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

SUBJECT: Rooftop Cell Tower License between City of Hamilton (Licensor) and Globalive Wireless Management Corp. (Carrying on Business as WIND Mobile Inc.) (Licensee) on part of the York Boulevard Parkade located at 28 York Boulevard, Hamilton (PED15114) (Ward 2) - Page 4 of 4

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued and Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.

Strategic Priority #3

Leadership and Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

- 3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Location Map

Appendix "B" - Pictures of Proposed Location

Appendix "C" - Major Terms and Conditions Summary

JH/sd