



Legislation Details (With Text)

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In control: City Council
Final action: 6/26/2024

Title: Amending the financing and spending plans in the Public Works department in the amount of \$383,942 to terminate a representation agreement related to cellular communication lease negotiations.

Sponsors: Mitra Jalali

Indexes:

Code sections:

Attachments: 1. Exhibit A - Release Agreement, 2. RES PH 24-133 Bench Strength Settlement

Date	Ver.	Action By	Action	Result
7/1/2024	1	Mayor's Office	Signed	
6/26/2024	1	City Council	Adopted	Pass

Amending the financing and spending plans in the Public Works department in the amount of \$383,942 to terminate a representation agreement related to cellular communication lease negotiations.

WHEREAS, on January 26, 2016 the City of Saint Paul ("City") entered into a representation agreement ("RA") with Bench Strength Partners, Inc. ("BSP"), a New York-based consulting firm engaged to represent the City in negotiating leases with cellular communications carriers ("Carriers") to place cellular towers and related equipment on city-owned property; and

WHEREAS, the RA initially focused on city parkland where cellular equipment existed on free-standing poles, but on March 14, 2016 was amended to include BSP's negotiation of leases for Carriers to install small cell communication systems on street light poles in city right-of-way; and

WHEREAS, the RA permitted BSP to collect a portion of the rental fees paid to the City by the Carriers, as long as BSP negotiated fees that substantially exceeded the fees negotiated by the City prior to BSP's engagement; and

WHEREAS, the City has executed license agreements with Carriers that have produced fee revenues in excess of \$3 million since 2016, and BSP has received a percentage of those fees for its representation services; and

WHEREAS, the RA allows BSP to collect fees for as long as the Carriers' equipment is operating on city property, which is anticipated to continue for years to come; and

WHEREAS, the City and BSP now mutually desire to terminate the RA and release both parties from any future legal and financial responsibilities, as provided in that certain Release Agreement, attached hereto as Exhibit A; and

WHEREAS, the Mayor, pursuant to Section 10.07.1 of the Charter of the City of Saint Paul, does certify that there are available for appropriation total revenues in excess of those estimated in the budget, funds of \$215,965 in the Public Works General Fund; and

WHEREAS, the Mayor, pursuant to Section 10.07.4 of the Charter of the City of Saint Paul, does certify that there are available for transfer of appropriation funds of \$167,977 in the Public Works General Fund; now, therefore, be it

RESOLVED, by the Council of the City of Saint Paul, upon recommendation of the Mayor that \$215,965 is available for appropriation and \$167,977 is available for transfer of appropriation in the Public Works General Fund, that the 2024 budget as heretofore adopted and amended by this Council, be hereby further amended in the particulars as specified in the attached financial analysis; and be it further

RESOLVED, that the City Council hereby authorizes and directs the proper city officials to execute said Release Agreement in a form and content substantially as set forth in Exhibit A, and to provide a one-time final payment to BSP as settlement of all claims of future fees, as provided in said Release Agreement.

See Attachment.