



Legislation Text

File #: RES 16-108, **Version:** 1

Authorizing an agreement with Bench Strength Partners, Inc. for professional services in the negotiation of contracts for rental of space by cellular communication carriers on city park property.

WHEREAS, the City of Saint Paul ("City") has executed various lease agreements with cellular communications companies ("Carriers") for the placement and operation of cellular antennas and related equipment on city park property, specifically at the Merriam Park Recreation Center and Edgumbe Recreation Center properties; and

WHEREAS, from time to time the City receives requests from Carriers for the expansion of existing facilities or the placement of new facilities on city property; and

WHEREAS, the City has negotiated said lease agreements with the Carriers, but lacks expertise in determining appropriate lease rates and establishing the most favorable terms with respect to location, construction, access, repair, expansion and removal of the Carriers' facilities; and

WHEREAS, the City's Office of Financial Services Real Estate Section and Department of Parks and Recreation have identified a consulting firm, Bench Strength Partners, Inc. ("BSP"), with the necessary expertise to assist the City in negotiating favorable leases with Carriers and achieving maximum value for the private cell tower facilities located on city park property; and

WHEREAS, the City proposes that BSP act as the City's representative for the negotiation of leases, licenses or other agreements ("Contracts") for the rental of space on city park property for the placement of cellular antennas and related equipment at various locations within the City, both existing and future, as described in the Representation Agreement with BSP, attached to this resolution as Exhibit A; and

WHEREAS, under the Representation Agreement BSP would earn a fee for its services based on new or additional Carrier lease revenues generated for the City, but at no cost to the City until a specific revenue increase has been achieved in accordance with the "BSP Success-Based Fee Structure," as specified in Exhibit B of the Representation Agreement and illustrated in the BSP Fee Structure table attached to this resolution; and

WHEREAS, even under a contractual arrangement with BSP the City would continue to draft and approve all Contracts with the Carriers; now, therefore be it

RESOLVED, that the proper city officials are hereby authorized to enter into said Representation Agreement with BSP, in a form and content substantially as set forth in Exhibit A to this resolution and subject to approval by the city attorney, for professional services in the negotiation of Contracts with existing and future Carriers located on city park property; and be it further

RESOLVED, that compensation for BSP's services shall be payable from the city accounts in which Carrier lease revenues are deposited.