

**TOWN OF PRESCOTT VALLEY  
REQUEST FOR COUNCIL ACTION  
Date: May 14, 2015**

**SUBJECT:** New T-Mobile Telecommunications Facility – Mountain Valley Park

**SUBMITTING DEPARTMENT:** Parks and Recreation

**PREPARED BY:** Brian Witty, Parks and Recreation Director

**AGENDA LOCATION:** Comments/Communications , Consent , Work/Study ,  
New Business , Public Hearing , Second Reading

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**ATTACHMENTS:** a) Town Lease w/ Allynx, and b) Allynx Sublease w/ T-Mobile

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**SUMMARY/BACKGROUND:** The Federal Telecommunications Act of 1996 reduced regulation in the telecommunications industry and encouraged rapid deployment of new technology. Expecting new applications for wireless telecommunications sites, Prescott, Prescott Valley and Yavapai County joined together to develop a new telecommunications plan. A consultant was brought in and the joint plan was developed. Afterwards, each jurisdiction took a slightly different approach to adopting and implementing its plan. Prescott Valley's implementation most closely resembled what had been developed by the consultant. The Town Plan was adopted on Jun 11, 1998 as Chapter 9 of the General Plan (Res 832) and was added to the Town Code by Ord 439 (Jun 28, 1998).

The Plan encouraged placement of wireless facilities in areas zoned Public Lands (PL). The reasons were that such areas (a) provided service providers quick access to both commercial and residential areas with minimal impact on those areas, (b) allowed greater government control over aesthetics and use of wireless facilities through lessor-lessee relationships, and (c) provided public revenues through rents. It was felt these benefits outweighed concerns of private owners who might wish to receive such revenues or any concerns by the general public about potential risks from increased exposure to radio frequency emissions (RFEs). Land owners in the PL zone would not need special use permits and could enter directly into lease agreements with wireless facility owners. On Nov 18, 1999, the Town Council adopted Ord 481 rezoning all government lands within the municipal limits to PL designations. This included property owned by Humboldt School District, Central Yavapai Fire District, the Town, and a community facilities district the Town had formed on Sep 24, 1998 (Res 855) to purchase Shamrock Water company (Prescott Valley Water District). When PVWD was dissolved on Mar 13, 2008, the water system and related lands became the Town's property.

On Aug 13, 1998, the Town had entered into an agreement with the earlier consultant (Allynx Corp) granting it a right-of-first refusal to lease Town property for constructing and subleasing wireless telecom facilities. About a year later (Dec 16, 1999), PVWD entered into a similar agreement with Allynx granting it a right-of-first-refusal to lease PVWD property for constructing and subleasing such facilities.

Since then, a number of leases/subleases have been entered into to place telecommunications facilities on the large light poles in the softball 4-plex in Mountain Valley Park. When Nextel terminated its sublease with Allynx (and Allynx terminated its lease with the Town) on Mar 4, 2014 for a facility on a light pole in MV Park, this opened a space for future use. Allynx has now entered into a sublease with T-Mobile for that space for 25 years and proposes to enter into a lease with the Town for the same period at \$1,420.00 per month for the first 5 years, increased by 15% each five year period afterwards.

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**OPTIONS ANALYSIS:** The Council may approve the standard Lease with Allynx (including the Sublease between Allynx and T-Mobile), or decline to approve the Lease with Allynx as currently drafted.

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**ACTION OPTION:** Motion to approve the Antenna Site Lease with Allynx (including the Site Sublease between Allynx and T-Mobile West, LLC) for a telecommunications facility at Mountain Valley Park, **OR** Motion not to approve the Lease with Allynx and Sublease with T-Mobile. **VOTE.**

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**RECOMMENDATION:** Staff recommends approval of the Lease with Allynx and the Sublease with T-Mobile for the telecommunications facility at Mountain Valley Park.

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**FISCAL ANALYSIS:** The rent payment from T-Mobile to Allynx would be \$1,750.00 per month. In turn, Allynx will pay the Town rent in the amount of \$1,420.00 per month. At each 5-year renewal, the rent increases by 15%. T-Mobile and Allynx are responsible to maintain the property during the lease term.

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**REVIEWED BY:**

Management Services Director \_\_\_\_\_

Town Clerk \_\_\_\_\_

Town Attorney \_\_\_\_\_

Town Manager \_\_\_\_\_

**COUNCIL ACTION:**

Approved  Denied  Tabled/Deferred  Assigned to \_\_\_\_\_