

Date: May 16, 2008



TO: Board Members – Vancouver Park Board
FROM: General Manager – Parks and Recreation
SUBJECT: Bell Mobility Telecommunications Proposal at Hillcrest Park

RECOMMENDATION

- A. THAT the Board enters into a license agreement with Bell Mobility for telecommunications equipment in Hillcrest Park as outlined in the staff report.*
- B. THAT once the agreement has been approved by the General Manager and the Directors of Legal Services and Risk Management, the General Manager be authorized to execute and deliver such documentation on behalf of the Board.*
- C. THAT no legal rights shall arise hereby, and none shall arise until the execution of the contemplated agreement. The Board may rescind this resolution at any time up to the execution of the contemplated agreement.*

POLICY

The Board grants site licenses for utilities that do not interfere with the park function.

In July 1996, the City of Vancouver adopted a Telecommunications Policy which recognized the important role that telecommunications play in the economy of Vancouver. The policy also outlined authority to regulate equitable access to rights-of-way, secure compensation and minimize the negative impacts associated with use. The City of Vancouver approved a Master Access Agreement for wireless carriers in January 2000 which provided authority for the General Manager of Parks and Recreation to negotiate, execute and deliver agreements with wireless companies on Park Board lands, incorporating general terms and conditions outlined in the Master Access Agreement.

BACKGROUND

Industry Canada is responsible for regulating wireless telecommunications in Canada and authorizing the location of wireless telecommunications facilities. They require that applicants consult with appropriate land use authorities. The consultation is intended to

provide an opportunity to address land use concerns while respecting federal jurisdiction for the installation and operation of telecommunications systems.

Since 1998, the Park Board has had an agreement with Microcell, assigned to TELUS, at Hillcrest Park for antennas on a Nat Bailey field light post and for a fenced equipment area near the 3rd base side of the field (the "Existing Antenna Agreement").

As a national sponsor for VANOC, Bell will be undertaking telecommunication services to support the Olympic Curling Venue in Hillcrest Park for the 2010 Olympic and Paralympic Games. They have been in discussions with the Park Board regarding options for the provision of these services including the installation of temporary as well as permanent facilities on a building roof or tower. In June 2007, Bell Mobility presented two specific proposals for construction of cellular transmission towers at Hillcrest Park. It was determined that utilizing existing structures in the park would be preferred to installing additional poles.

The existing field light poles surrounding Nat Bailey date from 1948 and are 37 meters in height. The old poles are rusty and detract from the aesthetics of the freshly painted Nat Bailey exterior and the modern design of the Millennium facility. It was conceived that several of these old poles would be replaced/relocated as part of the capital works program to be jointly undertaken by the Park Board and Vancouver Professional Baseball. However the cost, estimated at \$150,000 each, prompted deferral of this project for future consideration. At this time, it is unlikely that the existing poles will be replaced/relocated in the short term. One pole, on the first base side, has been identified as a priority as its current location significantly interferes with the parking and pedestrian access for Parking Lot 2. Parking Lot 2 is a requirement of both the Olympic and Legacy uses. A redesign of this area satisfied the required number of parking stalls; however the light pole and its associated transformer enclosure remains a serious barrier to pedestrian access as it is blocking a sidewalk. This sidewalk would be used by a large number of Nat Bailey Stadium patrons in the future.

Existing fencing and structures from previous use along the first base side of Nat Bailey require relocation to accommodate the approved Hillcrest park development, comply with the approved Nat Bailey Lease Agreement and improve the park experience for visitors to Hillcrest Park.

Hillcrest Park is heavily used by a wide variety of park visitors. Park visitation is growing in response to recent enhancements associated with gymnastics and indoor bowls programming in the Millennium facility and baseball programming in Nat Bailey Stadium. Future increases are expected with the opening of the new community legacy facility with aquatic, ice rink, curling and library facilities. Increasingly, park visitors rely on mobile telecommunications equipment for their personal and occupational communication needs, including 911 emergency calls. Recent industry statistics document that 53% of Canadians currently have cell phones and that number is

increasing annually. Current users of Hillcrest Park experience dropped calls due to gaps in the telecommunication network in this area.

DISCUSSION

A joint meeting of Bell Mobility, Vancouver Professional Baseball and the Park Board identified mutual benefits which could be achieved with a coordinated approach.

The final proposal would relocate the problematic light pole on the first base side of Nat Bailey, moving it approximately 3.0 meters west to the Nat Bailey lease area. A new monopole would be installed with new sport field lighting and 6 telecommunication antennae. The antenna design would minimize visual clutter by being small and close to the pole. The height of the pole would be 37 meters. A secure compound for telecommunication equipment would be housed in a new 1000 square foot structure at the base of the pole (200 sq feet for equipment). This structure would also replace the existing 400 square feet wood structure used by Vancouver Professional Baseball. The baseball portion of the building would be delivered in an unfinished, shell condition for use by Vancouver Professional Baseball. Vancouver Professional Baseball will be responsible for all interior improvements in their portion of the structure including plumbing and electrical service. A new fence would be constructed along the Nat Bailey lease boundary from the building edge to the outfield fence. A new underground electrical service would be installed adjacent to the new pole and metered separately. Additional buried conduits would provide access for a future electrical service to the Nat Bailey Stadium building to accommodate future demand and would avoid future disruption to the hard surface areas which will be built in 2008. Appendix A shows the physical plan of the proposal.

Key terms of License Agreement and Memorandum of Understanding:

- The Park Board would grant a licence to Bell for the installation and use of its 6 antennae and related equipment for five years, with three renewal periods of five years each.
- The legal terms and conditions of the licence would be similar to those contained in the Existing Antenna Agreement (as modified to reflect the terms of the MOU).
- Bell would retain ownership of its antennae and related telecommunication equipment.
- Bell would pay the Park Board an annual licence fee of \$30,000 per year, adjusted by the CPI on each renewal period;
- Bell would pay all costs related to final design, permits (if required), and installation of the new monopole pole (with slim line design with 6 antennae and 1 Local Multipoint Communications System dish), existing sport field lights (moved to new pole), new fence on Nat Bailey Stadium lease line, equipment building and compound, including an area for Nat Bailey use, and underground electrical service (serving Bell Mobility only) including removal and disposal of existing pole and structures;

- In return for satisfactory completion of the above commitments, Bell would be entitled to a rebate on its annual license fee up to a maximum of the lesser of (a) \$10,000 for the first 5 year term and the first renewal term, for a total of 10 years, representing a total rebate of \$100,000 to the capital costs of the installation, or (b) the actual cost to Bell of doing the above work;
- As per the Existing Antenna Agreement, Bell would pay all hydro fees, property taxes, and all other costs attributable to their uses under the licence;
- Bell's operational obligations, and all other rights and risk allocations as between Bell and Park Board (and as between Bell and Vancouver Professional Baseball) such as for example, cancellation, relocation, insurance, indemnity and liability would be as set out in the Existing Antenna Agreement (as modified to reflect the MOU and current conditions)
- As per the Existing Antenna Agreement, Bell would ensure that its operations did not interfere with the quiet enjoyment of the park by park users and park neighbours;
- As per the Existing Antenna Agreement, Bell would meet or exceed all existing Canadian government standards that establish permitted levels of radio frequency;
- As noted above, Bell would undertake design and construction with the exception of the Nat Bailey Stadium fence which would be constructed by the Stadium contractor (Bell to reimburse costs), arrange for all necessary permits and provide plans and construction drawings for approval by the General Manager prior to commencement of any work;
- As per the Existing Antenna Agreement, the light pole, sport field lighting, fence, underground electrical service and structure would become the property of the Park Board following construction.

Construction Schedule

The work would be undertaken between mid-September and mid-December 2008 and be coordinated with the construction of Parking Lot 2 and the Nat Bailey 2008 game schedule. The fence at the lease line of the Stadium would be constructed in April and May 2008 in order to facilitate the installation of underground services in Parking Lot #2. No work is to be undertaken prior to the approval of a license agreement with the exception of the fence replacement which is a requirement of the Nat Bailey Stadium lease.

Summary of Benefits and Contributions

The key public benefits of this proposal will be:

- Improved pedestrian route through the park,
- Improved public infrastructure,
- Reduction in capital costs which would require future funding from tax payers,
- Improved mobile telecommunication service in this area, and
- Additional annual Park Board revenues to fund parks and recreation services.

In addition to the licence fees and rebates referred to above, the following summarizes the related financial terms expected to arise from implementation of the MOU:

As noted, Bell is providing funding of the capital costs of the light pole replacement, undertaking the construction and contributing \$50,000 towards the cost of the light pole. Bell is also providing a portion of the new building, as noted above, for use by Vancouver Professional Baseball and contributing to the cost of a new fence for Nat Bailey Stadium bordering Parking Lot #2. Vancouver Professional Baseball is contributing that portion of their lease area, currently used as a BBQ social area, which will be required for the location of the pole and equipment compound. Park Board is providing access to the land and foregoing up to \$100,000 in future revenue as a contribution to the estimated \$150,000 cost of the new pole, fence, shelter, etc

Staff recommends approval of a license agreement with Bell Mobility for this installation. Vancouver Professional Baseball have been consulted and engaged in the development of this proposal and are in support.

SUMMARY

This report recommends approval for a license agreement for Bell Mobility telecommunication equipment on a replacement sport field light post in Hillcrest Park.

Prepared by:

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APPENDIX A

BELL MOBILITY PROPOSAL FOR HILLCREST PARK



