



Date: October 27, 2011

TO: Board Members – Vancouver Park Board
FROM: General Manager – Parks and Recreation
SUBJECT: TELUS Cellular Installation – Nat Bailey Stadium

RECOMMENDATION

- A. THAT subject to Recommendation B,C,D and E, the Board approve a 5-year licence agreement with up to three additional 5-year renewal terms with TELUS to replace the last remaining original field lighting pole at Nat Bailey Stadium with a new monopole, and concurrent with this pole replacement, upgrade their cellular installation at Nat Bailey to 9 antennas.*
- B. THAT the rent structure will be \$33,750 for the initial 5-year term and subject to a rent review at the conclusion of the initial term and each of the three 5-year renewal terms.*
- C. THAT all legal documentation is to be in a form which is satisfactory to the Director of Legal Services for the City of Vancouver and the General Manager of the Park Board.*
- D. THAT the General Manager be authorized to execute and deliver such documentation on behalf of the Park Board.*
- E. THAT no legal rights shall arise and no consents, permissions or licenses are granted hereby and none shall arise or be granted hereafter unless and until all contemplated legal documentation has been executed and delivered to all parties.*

POLICY

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

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 the Park Board 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

The Park Board entered into an agreement in 1998 with Clearnet (the “Existing Site License Agreement”), now assigned to TELUS, for the installation of up to four antennas on a Nat Bailey Stadium field lighting pole. The pole is located in a fenced equipment compound adjacent to the third base side of the stadium, outside the boundaries of the area leased to the Vancouver Canadians.

Prior to and during the 2010 Olympic Winter Games, VANOC used portions of the Stadium and field for media and administrative activities. VANOC’s use of these spaces provided for a legacy upgrade to the electrical system at the Stadium. At the time, it was determined that the priority project for the Capital Works Program, funded jointly by the Park Board and the Canadians, was to replace Nat Bailey’s field lighting system. Accordingly, six of the Stadium’s original lighting poles (installed in 1948) were replaced with new Musco lighting poles and light fixtures in the spring of 2010 after the conclusion of the Winter Games. A new set of lights was also installed on an existing Rogers Communications pole located in right centre field.

One original pole, which accommodates TELUS’ four antenna installation, was not replaced at the time of the broader upgrade due to the lack of alignment between project timing and the specific needs of the replacement pole required for this location.

DISCUSSION

TELUS is a leading Canadian telecommunications company, with 7.1 million wireless subscribers. The company provides its customers with a wide range of communications products and services.

TELUS is seeking to replace the last remaining original field lighting pole at Nat Bailey with a new 37 meter monopole of similar design and dimensions as Roger’s monopole in parking lot 3 off Midlothian Avenue, and concurrent with the pole replacement, upgrade and expand its installation at Nat Bailey. The existing field lights on the old pole would be relocated to the new monopole and function seamlessly within the existing Nat Bailey electrical infrastructure. The new monopole pole would have the capacity to accommodate up to 12 flush mounted panel antennas. TELUS’ initial installation would consist of 9 antennas and related support equipment.

Key Terms of the Agreement

- The Park Board would grant TELUS a license for an initial installation of 9 flush mounted antennas and related support equipment for 5-years, with three renewal periods of 5-years each;
- TELUS would pay the Park Board an annual license fee of \$33,750 for the first 5-years of the agreement, to be adjusted annually at the rate of CPI/inflation;

- The rental fee would be subject to a rent review at the conclusion of the initial 5-term and each of the three 5- year renewal terms (with the rate increasing by CPI/inflation or fair market value, whichever is greater);
- Any additional antennas and support equipment would be subject to separate negotiation processes in the future;
- TELUS would retain ownership of its antennas and related telecommunications equipment;
- The new pole, underground electrical service, and structure would become the property of the Park Board following construction;
- TELUS would pay all costs related to final design, permits, and installation of the new monopole, existing sport field lights (moved to new pole), concrete pad, underground electrical service, and the removal and disposal of existing pole and structures;
- TELUS would pay all hydro fees, property taxes and all other costs attributable to their uses under the license;
- The Park Board would credit TELUS up to \$20,000 over the initial 5-year term of the agreement for the removal and disposal of the existing pole and structures, and restoration of the site;
- TELUS would meet or exceed all existing Canadian government standards, including Industry Canada's Safety Code 6 regulations that establish permitted levels of radio frequency; and
- TELUS would undertake design and construction, arrange for all necessary permits, and provide plans and construction drawings for approval by the Park Board prior to commencement of any work.

Project Timeline

Subject to Board approval, the installation of the new pole and cellular equipment would begin after the execution of a licence agreement between the Park Board and TELUS. It is anticipated that construction would begin in the mid to late November 2011 timeframe, and be completed in approximately 16 weeks (weather delays notwithstanding).

Project Benefits

The key benefits of this proposal include:

- Improved park aesthetics and sightlines;
- Consistency in design;
- Improved telecommunications services for park and community center visitors, local residents, businesses, and emergency service providers; and
- Enhanced Park Board revenue streams to fund parks and recreation services.

Staff presented TELUS' proposal to the Board's Planning & Environment Committee meeting on January 13th, 2011. The Committee was supportive of the initiative, subject to staff advising the Riley Park Community Association of the proposal at the Association's meeting on January 27th. This action was successfully completed. Park Board staff have also notified the Vancouver Canadians of TELUS' proposal.

SUMMARY

The replacement of the last remaining old field lighting pole and the concurrent expansion of TELUS's cellular infrastructure at Nat Bailey Stadium will provide a number of benefits with very little impact to the visual environment at Hillcrest Park. Accordingly, Park Board staff recommend that the Board approve the terms as noted above, and permit the General Manager in cooperation with the Director of Legal Services, to enter into a formal agreement with TELUS for the aforementioned proposal.

Prepared by:
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