



# Broward County

## Legislation Details (With Text)

<b>File #:</b>	20-2081	<b>Version:</b>	1
		<b>Status:</b>	Agenda Ready
		<b>In control:</b>	AVIATION DEPARTMENT
<b>On agenda:</b>	12/8/2020	<b>Final action:</b>	12/8/2020
<b>Title:</b>	<p>A. MOTION TO RETROACTIVELY APPROVE First Amendment to the License Agreement between Broward County and T-Mobile South, LLC, for continued installation, operation, and maintenance of Wireless Personal Communications Services Facilities at Broward County's Fort Lauderdale-Hollywood International Airport, to reinstate and amend the Agreement to extend the term of the Agreement from April 28, 2020, through October 24, 2021, provide for a Privilege Fee during the extension period; and authorize the Mayor and Clerk to execute.</p> <p>(Per the Tuesday Morning Memorandum, signature pages have been received.)</p> <p>ACTION: (T-10:44 AM) Approved. (Refer to minutes for full discussion.)</p> <p>VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.</p> <p>B. MOTION TO RETROACTIVELY APPROVE First Amendment to the License Agreement between Broward County and Sprint Spectrum Realty Company, LLC, for continued installation, operation, and maintenance of Wireless Personal Communications Services Facilities at Broward County's Fort Lauderdale-Hollywood International Airport, to reinstate and amend the Agreement to extend the term of the Agreement from May 2, 2020, through October 24, 2021, provide for a Privilege Fee during the extension period; and authorize the Mayor and Clerk to execute.</p> <p>(Per the Tuesday Morning Memorandum, signature pages have been received.)</p> <p>ACTION: (T-10:44 AM) Approved. (Refer to minutes for full discussion.)</p> <p>VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.</p> <p>C. MOTION TO RETROACTIVELY APPROVE First Amendment to the License Agreement between Broward County and Cellco Partnership for continued installation, operation, and maintenance of Wireless Personal Communications Services Facilities at Broward County's Fort Lauderdale-Hollywood International Airport, to reinstate and amend the Agreement to extend the term of the Agreement from June 13, 2020, through October 24, 2021, provide for a Privilege Fee during the extension period; and authorize the Mayor and Clerk to execute.</p> <p>(Per the Tuesday Morning Memorandum, signature pages have been received.)</p> <p>ACTION: (T-10:44 AM) Approved. (Refer to minutes for full discussion.)</p> <p>VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.</p>		
<b>Sponsors:</b>			
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Exhibit 1 - Agreement Summary, 2. Exhibit 2 - T-Mobile First Amendment, 3. Exhibit 3 - Agreement Summary, 4. Exhibit 4 - Sprint First Amendment, 5. Exhibit 5 - Agreement Summary, 6. Exhibit 6 - Verizon First Amendment		

Date	Ver.	Action By	Action	Result
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## Broward County Commission Regular Meeting

**Director's Name:** Mark Gale

**Department:** Aviation

**Division:** Business

### Information

#### Requested Action

A. MOTION TO RETROACTIVELY APPROVE First Amendment to the License Agreement between Broward County and T-Mobile South, LLC, for continued installation, operation, and maintenance of Wireless Personal Communications Services Facilities at Broward County's Fort Lauderdale-Hollywood International Airport, to reinstate and amend the Agreement to extend the term of the Agreement from April 28, 2020, through October 24, 2021, provide for a Privilege Fee during the extension period; and authorize the Mayor and Clerk to execute.

*(Per the Tuesday Morning Memorandum, signature pages have been received.)*

**ACTION: (T-10:44 AM) Approved. (Refer to minutes for full discussion.)**

**VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.**

B. MOTION TO RETROACTIVELY APPROVE First Amendment to the License Agreement between Broward County and Sprint Spectrum Realty Company, LLC, for continued installation, operation, and maintenance of Wireless Personal Communications Services Facilities at Broward County's Fort Lauderdale-Hollywood International Airport, to reinstate and amend the Agreement to extend the term of the Agreement from May 2, 2020, through October 24, 2021, provide for a Privilege Fee during the extension period; and authorize the Mayor and Clerk to execute.

*(Per the Tuesday Morning Memorandum, signature pages have been received.)*

**ACTION: (T-10:44 AM) Approved. (Refer to minutes for full discussion.)**

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C. MOTION TO RETROACTIVELY APPROVE First Amendment to the License Agreement between Broward County and Cellco Partnership for continued installation, operation, and maintenance of Wireless Personal Communications Services Facilities at Broward County's Fort Lauderdale-Hollywood International Airport, to reinstate and amend the Agreement to extend the term of the Agreement from June 13, 2020, through October 24, 2021, provide for a Privilege Fee during the extension period; and authorize the Mayor and Clerk to execute.

*(Per the Tuesday Morning Memorandum, signature pages have been received.)*

**ACTION: (T-10:44 AM) Approved. (Refer to minutes for full discussion.)**

**VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.**

#### Why Action is Necessary

Motions A, B, and C: Section 2-40(a) of the Broward County Code of Ordinances requires that the Broward County Board of County Commissioners ("Board") authorize any commercial activities or occupation of any portion of Broward County's Fort Lauderdale-Hollywood International Airport ("FLL").

**What Action Accomplishes**

Motions A through C approve amendments to the existing license agreements of Wireless Personal Communications Services Facilities at FLL to reinstate and retroactively amend the license agreements to extend the term and provide for a Privilege Fee during the extension period.

**Is this Action Goal Related**

No

**Previous Action Taken**

None.

**Summary Explanation/Background**

THE AVIATION DEPARTMENT RECOMMENDS APPROVAL OF THE ABOVE MOTIONS.

This action approves amendments to the existing license agreements of Wireless Personal Communications Services Facilities at FLL to reinstate and retroactively amend the license agreements to extend the term and provide for a Privilege Fee during the extension period.

Broward County has entered into license agreements with four wireless carriers T-Mobile South, LLC ("T-Mobile"), Sprint Spectrum Realty Company, LLC ("Sprint"), Cellco Partnership ("Verizon"), and Cingular Wireless ("AT&T"). Each wireless carrier is permitted to install equipment throughout FLL to enhance the coverage of the cellular signals inside and around the terminal buildings and parking garages at FLL. This service enhances the passengers experience by boosting signals, increasing the capacity of the wireless networks, and providing for future network enhancements.

Currently, the License Agreement with AT&T expires on October 24, 2021. The Broward County Aviation Department ("BCAD") recommends that the license agreements with T-Mobile, Sprint, and Verizon be reinstated and retroactively amended to provide for an extension period through October 24, 2021, as this will make the T-Mobile, Sprint, and Verizon wireless license agreements coterminous with the AT&T License Agreement. Wireless carriers are now focused on upgrading and enhancing services with the development of 5G wireless service. The equipment that the wireless carriers are installing is more expansive and has the potential to maximize network uses and services. Extending the agreements with T-Mobile, Sprint, and Verizon will provide BCAD the opportunity to ensure all four of the wireless license agreements are consistent, allow for time to analyze the new equipment and its potential usage, and update how the wireless carriers are charged.

**Motion A**

On April 28, 2015 (Item No. 3), the Board approved the License Agreement between Broward County and T-Mobile for the installation, operation, and maintenance of Wireless Personal Communications Services Facilities at FLL for a five-year term commencing on April 28, 2015, and terminating on April 27, 2020. The T-Mobile agreement provides for the greater of a Minimum Annual Guarantee of

\$78,417 increasing by 3% for each contract year or a Deplaned Passenger Fee of \$0.0065 per deplaned passenger for each contract year.

The proposed First Amendment reinstates and retroactively amends the License Agreement with T-Mobile to extend the term commencing on April 28, 2020, through October 24, 2021, and provides for the greater of a Minimum Guarantee for the extension term of \$180,000 or a Deplaned Passenger Fee of \$0.0065 per deplaned passenger for the extension term.

#### Motion B

On April 28, 2015 (Item No. 2), the Board approved the License Agreement between Broward County and Sprint for the installation, operation, and maintenance of Wireless Personal Communications Services Facilities at FLL for a five-year term effective on May 1, 2015, and terminating on May 1, 2020. The Sprint agreement provides for the greater of a Minimum Annual Guarantee of \$80,770 increasing by 3% for each contract year or a Deplaned Passenger Fee of \$0.0065 per deplaned passenger for each contract year.

The proposed First Amendment reinstates and retroactively amends the License Agreement with Sprint and retroactively provides for an extension term commencing on May 2, 2020, through October 24, 2021, and provides for the greater of a Minimum Guarantee for the extension term of \$180,000 or a Deplaned Passenger Fee of \$0.0065 per deplaned passenger for the extension term. At time of submission of this Board action, the proposed First Amendment to the License Agreement with Sprint had not been executed. The signature pages for the First Amendment will be submitted to the Board prior to its consideration of this action.

#### Motion C

On June 12, 2018 (Item No. 70), the Board approved the License Agreement between Broward County and Verizon to provide for the installation, operation, and maintenance of Wireless Personal Communications Services Facilities at FLL for a two-year term commencing on June 12, 2018, and terminating on June 12, 2020. The Verizon agreement provides for the greater of a Minimum Annual Guarantee of \$80,761 increasing by 3% for each contract year or a Deplaned Passenger Fee of \$0.0065 per deplaned passenger for each contract year.

The proposed First Amendment reinstates and retroactively amends the License Agreement with Verizon and retroactively provides for an extension term commencing on June 13, 2020, through October 24, 2021 and provides for the greater of a Minimum Guarantee for the extension term of \$165,000 or a Deplaned Passenger Fee of \$0.0065 per deplaned passenger for the extension term. At time of submission of this Board action, the proposed First Amendment to the License Agreement with Verizon had not been executed. The signature pages for the First Amendment will be submitted to the Board prior to its consideration of this action.

The proposed First Amendments have been reviewed and approved as to form by the Office of the County Attorney.

#### **Source of Additional Information**

Mark E. Gale, A.A.E., CEO/Director of Aviation, (954) 359-6199

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The proposed First Amendments will generate approximately \$525,000 in revenue to BCAD during the extension period.