

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2013-24

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AUTHORIZING A
THREE MONTH LEASE OF MUNICIPAL PROPERTY ABOVE THE KIMSHAM
BALL FIELD EASTERN PARKING LOT WITH
NEW CINGULAR WIRELESS PCS, LLC**

1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not intended to become a part of the Sitka General Code ("SGC").

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstances shall not be affected.

3. **PURPOSE.** City and Borough of Sitka ("CBS") owns Kimsham Ball Fields and its parking lots. New Cingular Wireless PCS, LLC ("AT&T") has requested leasing a portion of this municipal land at the end of the back parking lot in order to put a 35 foot mobile cell tower on a temporary 8' x 20' modular known as "Cell on Wheels" ("COW") for better phone reception for Sitka, for three months. Attached is a proposed lease, using the CBS's standard template lease for a term of three months, with an option to renew on a month-to-month basis. The lease of this property was not subject to competitive bidding due to the temporary nature of this lease and the small amount of property being leased. Additionally, CBS and AT&T have agreed to a lease rate to the property at \$750/month for approximately 1,200 square feet, which appears more than a lease rate for a comparable size property in Southeast Alaska.

The Assembly finds that competitive bidding is inappropriate under the Charter at Art. 11.14, which allows for other than competitive bid due to the nature of the property or the circumstances surrounding its disposal under SGC 18.12.010E, and also allows for non-competitive bid due to the size, shape, or location of the parcel, rendering it of true usefulness to only one party. Regarding this lease, competitive bid is inappropriate considering the small size and location of the parcel, no other inquiries regarding this property, the purpose of the lease to improve telecommunications for Sitkans, and agreed to payment for the property appears reasonable under the proposed lease.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that:

- A. The Assembly finds that competitive bidding is inappropriate under the Charter at Art. 11.14 and SGC 18.12.010.E. regarding the lease of a 1,200 square feet portion of municipal property at the end of the back parking lot of the Kimsham Ball Fields to AT&T, based on the small size and location of the parcel, the purpose to increase telecommunications for Sitkans, no other

inquiries regarding this property and the negotiated price appears more than competitive with property of a comparable size in Southeast Alaska;

B. The attached lease is approved; and

C. Administrator is authorized to sign the attached lease.

5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 28th day of May, 2013.



Mim McConnell, Mayor

ATTEST:



Colleen Ingman, MMC
Municipal Clerk