



RIVERSIDE PUBLIC UTILITIES

Board Memorandum

BOARD OF PUBLIC UTILITIES

DATE: JUNE 12, 2023

SUBJECT: COMMERCIAL ACCOUNT RIGHT OF ENTRY AGREEMENT WITH CHARTER COMMUNICATIONS OPERATING, LLC OPERATING AS CHARTER FOR A FIVE-YEAR TERM – MISSION SQUARE OFFICE BUILDING LOCATED AT 3750 UNIVERSITY AVENUE

ISSUE:

Consider recommending that the City Council approve a Commercial Account Right of Entry Agreement with Charter Communications Operating, LLC operating as Charter for a five-year term – Mission Square Office located at 3750 University Avenue.

RECOMMENDATIONS:

That the Board of Public Utilities recommend that the City Council:

1. Approve a Commercial Account Right of Entry Agreement with Charter Communications Operating, LLC operating as Charter for a five-year term; and
2. Authorize the City Manager, or designee, to execute the Commercial Account Right of Entry Agreement, including making minor, non-substantive changes, and to sign all documents and instruments necessary to complete the transaction.

BACKGROUND:

On October 13, 2015, the City acquired the Mission Square Building at 3750 University Avenue (Property), which was funded by Riverside Public Utilities (RPU). As such, RPU is now the Landlord of the Property. The Property consists of approximately 127,533 square feet of rentable office and retail space in a six-story building, plus a basement level and a 490-parking stall garage situated on approximately 2.5 acres of land.

On January 26, 2016, the City Council approved an Exclusive Authorization of Lease Agreement with Newmark of Southern California, Inc. dba Newmark Knight Frank (NKF) for a five-year term to provide broker leasing services for the Property. On January 5, 2021, the City Council approved a First Amendment to California Exclusive Authorization of Lease Agreement with Newmark of Southern California, Inc., dba Newmark Knight Frank (NKF) which extended the Agreement through December 31, 2025. RPU staff has been coordinating the leasing process for the Property with the Real Property Services Division of the Community & Economic Development Department and NKF as the broker for the Property.

DISCUSSION:

In November 2022, Charter contacted Newmark Knight Frank requesting to access the Mission Square Office Building for the installation, maintenance, and removal of any equipment, facilities, and other communications accessories to provide any of Charter's services to any customers in the building.

Staff has reviewed the proposed Commercial Account Right of Entry Agreement and recommends the terms summarized below:

1. **Term**: Five years after the Effective Date or the date that is six months after the date that Charter is no longer providing Services to any customer in the building.

STRATEGIC PLAN ALIGNMENT:

This item contributes to **Strategic Priority 6. - Infrastructure, Mobility & Connectivity** and **Goal 6.2 - Maintain, protect and improve assets and infrastructure within the City's built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.**

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – The Agreement confirms that the City is a good steward of real property assets for the benefits of RPU's ratepayers.
2. **Equity** – The Agreement demonstrates that Riverside is equitable in distribution of services, which ensures that every member of the community has equal access to share the benefits of community progress.
3. **Fiscal Responsibility** – The Agreement demonstrates that Riverside is a prudent steward of public funds and ensures responsible management of the City's financial and property resources.
4. **Innovation** – The Agreement demonstrates that Riverside is innovative by partnering with Charter to offer internet and connectivity solutions to the customers at Mission Square.
5. **Sustainability & Resiliency** – The Agreement will ensure present and future reliability, resiliency, and sustainability for this City-owned property.

FISCAL IMPACT:

There is no fiscal impact report associated with this Agreement.

Prepared by:	Carlie Myers, Utilities Assistant General Manager/Customer and Business Services
Approved by:	Todd M. Corbin, Utilities General Manager
Approved by:	Rafael Guzman, Assistant City Manager

Approved as to form: Phaedra A. Norton, City Attorney

Concurs with: Jennifer A. Lilley, AICP, Director Community & Economic Development
Department

Certifies availability
of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial
Officer/City Treasurer

Attachments:

1. Commercial Account Right of Entry Agreement – Charter Communications Operating, LLC
operating as Charter
2. Presentation