

1 [City-Wide 800 MHz Radio Project Agreement]

2 **AUTHORIZING FIRST AMENDMENT TO LICENSE AGREEMENT WITH AT&T**  
3 **COMMUNICATIONS, INC. AT AT&T'S BERNAL HEIGHTS FACILITY AT 99 MOULTRIE**  
4 **STREET FOR CITY'S 800 MHz RADIO PROJECT.**  
5

6  
7 WHEREAS, The City is replacing its existing radio communication system with a new 800  
8 MHz trunked radio system (the "800 MHz Project"); and,

9 WHEREAS, The 800 MHz Project will benefit the City's Police, Fire, Public Health, Sheriff,  
10 Parking and Traffic, Water, and Recreation and Parks Department by enabling emergency and non-  
11 emergency communication; and,

12 WHEREAS, The Department of Telecommunications and Information Services has  
13 determined that to achieve optimal radio coverage, the City must install radio equipment at several  
14 key locations in and around the City, one of which is this site; and,

15  
16 WHEREAS, The Board of Supervisors adopted Resolution No. 805-97 on August 25, 1997, a  
17 copy of which is on file with the Clerk of the Board of Supervisors in File No. 172-97-53, which  
18 authorized the Director of Property to enter into agreements, in a form to be approved by the City  
19 Attorney, for six 800 MHz Project sites on the terms, rent, fees and indemnification as set forth in the  
20 resolution; and

21  
22 WHEREAS, Negotiations with AT&T Communications, Inc. ("AT&T") resulted in a first  
23 amendment to the license agreement, a copy of which is on file with the Clerk of the Board of

24  
25 **(Real Estate)**

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2 Supervisors in File No. 98-1533, not a new lease agreement as contained in Resolution No.  
3 805-97 referenced above; now, therefore, be it

4           RESOLVED, In accordance with the recommendation of Director, Emergency  
5 Communications Department, and the Director of Property, that the Board of Supervisors authorizes  
6 the Director of Property, on behalf of the City and County of San Francisco, as Licensee, to execute a  
7 first amendment to the license agreement with AT&T, as Licensor, for a portion of the premises  
8 contained in its Bernal Heights facility, San Francisco, California for a City 800 MHz Radio Project  
9 site.  
10

11           The first amendment to license agreement shall be renewed for the period commencing March  
12 1, 1998 and shall expire on February 28, 2003. Following the expiration date, provided that adequate  
13 appropriations are available from year to year for the payment of the annual license fee, the license  
14 agreement shall automatically renew from year to year without further notice unless or until City or  
15 AT&T shall give written notice of termination. For each year of the term of the renewal, the annual  
16 license fee shall be \$16,158, of which \$8,640 represents an estimated annual electrical power usage  
17 by City. In addition, City shall pay a non-recurring charge, estimated at \$45,000, for installation of  
18 new antennas and modification of the electrical power to City's equipment.  
19

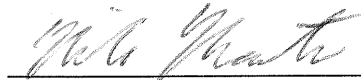
20           To the extent permitted by applicable law, City is responsible for the acts and omissions of its  
21 employees, officers, invitees, and agents which cause injuries or death to persons or damages to  
22 property, including any claims arising from such injuries, death, or damages, caused by or arising  
23 from City's use of the tower or equipment space unless such injuries or losses are caused by AT&T's  
24 negligence.  
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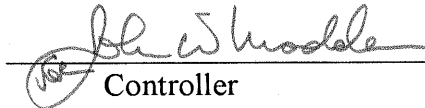
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Said first amendment to license shall be subject to certification as to funds by the Controller,  
pursuant to Section 3.105 of the Charter.

**RECOMMENDED:**

\$66,544.00 Available  
Appropriation No.  
03-011 77-02-00 1460 770006

  
\_\_\_\_\_  
Director  
Emergency Communications Department

  
\_\_\_\_\_  
Controller

  
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Director of Property



# City and County of San Francisco

Veterans Building  
401 Van Ness Avenue, Room 308  
San Francisco, CA 94102-4532

## Tails

## Resolution

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**File Number:** 981533

**Date Passed:**

Resolution authorizing first amendment to license agreement with AT&T Communications, Inc. at AT&T's Bernal Heights Facility at 99 Moultrie Street for City's 800 MHz Radio Project.

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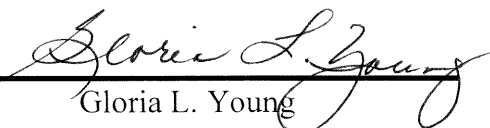
October 26, 1998 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Bierman, Brown, Kaufman, Leno, Medina, Newsom, Teng,  
Yaki, Yee

Absent: 1 - Katz

File No. 981533

I hereby certify that the foregoing Resolution was ADOPTED on October 26, 1998 by the Board of Supervisors of the City and County of San Francisco.

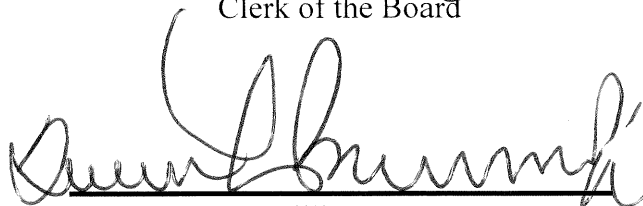


Gloria L. Young  
Clerk of the Board

NOV - 6 1998

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Date Approved



Mayor Willie L. Brown Jr.