

PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. 17-0254

WHEREAS, The San Francisco Public Utilities Commission (SFPUC) recently upgraded its existing communications system to improve its communication capabilities for SFPUC water and power facilities in the San Joaquin Valley pursuant to the Commission's approval of the San Joaquin Valley Communications System Upgrade Project (Project) by Resolution No 13-0019 adopted at a meeting held on July 23, 2013; and

WHEREAS, On July 8, 2014, the SFPUC, by Resolution No. 14-0112, authorized the General Manager to execute certain agreements within the scope of the Project, including a license agreement (Original Agreement) with TriStar Investors LLC (Licensor) for the installation of SFPUC's communications equipment at a telecommunications facility located at 2201 Blue Gum Avenue in Modesto, California (Premises) for a term of up to 25 years, subject to approval by the Board of Supervisors; and

WHEREAS, On October 28, 2014, the Board of Supervisors approved the Original Agreement by Resolution No. 401-14; and

WHEREAS, On June 30, 2016, the parties amended the Original Agreement to correct a clerical error (First Amendment); and

WHEREAS, After months of testing the San Joaquin Valley Communication Network, SFPUC staff noticed signal interference patterns between the Premises and the San Joaquin Valve House, resulting in data loss. After rigorous study, SFPUC staff determined the signal interference was related to changing atmospheric and environmental conditions caused by heavy rains during the winter of 2016-2017; and

WHEREAS, To resolve the signal interference, the SFPUC installed additional equipment to provide redundancy; and

WHEREAS, The SFPUC and Licensor desire to amend the Original Agreement to reflect the addition of new SFPUC equipment at the Premises, and to increase the license fee due under the Original Agreement from \$19,158 to \$25,758 (Second Amendment). The license is subject to three percent annual license fee increases; and

WHEREAS, An Initial Study/Mitigated Negative Declaration was prepared for the San Joaquin Valley Communication System Upgrade Project; and

WHEREAS, On June 27, 2013 the Environmental Review Officer adopted the Initial Study/Final Mitigated Negative Declaration (FMND) for the San Joaquin Valley Communication System Upgrade Project and on July 23, 2013 this Commission adopted the California Environmental Quality Act (CEQA) findings and the Mitigation Monitoring and Reporting Program (MMRP), and authorized the project to proceed as a Design-Build Project under Resolution No. 13-0119; and

WHEREAS, On July 8, 2014 this Commission re-adopted CEQA findings and the MMRP for the Project, awarded the construction project and authorized the license agreement with Tri-Star for the location of a telecommunication tower in Modesto, under Resolution 14-0112; and

WHEREAS, the Project files, including the FMND and Resolutions 13-0119 and 14-0112 have been made available for review by the SFPUC and the public; and those files are part of the record before this Commission; and

WHEREAS, This Commission has reviewed and considered the information contained in the FMND, the CEQA findings contained in SFPUC Resolutions No. 13-0119 and No. 14-0112, and all written and oral information provided by the Planning Department, the public, relevant public agencies, SFPUC and other experts and the administrative files for the Project; now, therefore, be it

RESOLVED, That this Commission has reviewed and considered the FMND and record as a whole, finds that the FMND is adequate for its use as the decision-making body for the action taken herein approving the Lease Agreement Amendment and incorporates the CEQA findings contained in Resolutions No. 13-0119 and 14-0112 by this reference thereto as though set forth in this Resolution; and be it

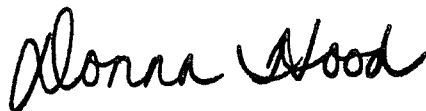
FURTHER RESOLVED, That the Commission finds that since the FMND was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the FMND due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the FMND; and be it

FURTHER RESOLVED That this Commission hereby approves the terms and conditions and authorizes the SFPUC General Manager, following approval by the Board of Supervisors and Mayor, to execute the Second Amendment to the Original Agreement between TriStar, as licensor, and the City through the SFPUC, as licensee, in substantially the form on file with the Commission Secretary; and be it

FURTHER RESOLVED, That this Commission hereby ratifies, approves and authorizes all actions heretofore taken by any City official in connection with this Second Amendment; and be it

FURTHER RESOLVED, That this Commission hereby authorizes the SFPUC General Manager to enter into any modifications to this Second Amendment, including without limitation, the exhibits, that the General Manager determines, in consultation with the City Attorney, are in the best interest of the City; do not materially increase the obligations or liabilities of the City; are necessary or advisable to effectuate the purposes and intent of the Second Amendment or this resolution; and are in compliance with all applicable laws, including the City Charter.

I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of December 12, 2017.



Secretary, Public Utilities Commission