

1 [Sharing Agreement - Emergency Radio Communications Site - Department of Veterans
2 Affairs, Medical Center, 4150 Clement Street - \$117,648 Initial Base Rent]

3 **Resolution approving and authorizing the Director of Property, on behalf of the City’s**
4 **Department of Emergency Management and the Department of Technology, to execute**
5 **a Sharing Agreement for the continued use of emergency radio telecommunications**
6 **and associated equipment, with the Department of Veterans Affairs - Medical Center**
7 **San Francisco at a base rent of \$117,648 per year with 3% annual rent increases**
8 **commencing June 1, 2024, through May 31, 2029, for an initial term of five years with**
9 **three five-year options to extend; and authorizing the Director of Property to execute**
10 **any amendments, options to extend to the agreement term, make certain modifications**
11 **and take certain actions that do not materially increase the obligations or liabilities to**
12 **the City, do not materially decrease the benefits to the City and are necessary or**
13 **advisable to effectuate the purposes of the Sharing Agreement or this Resolution.**

14
15 WHEREAS, The City-wide Emergency Radio System serves the City’s police, fire and
16 other local, state and federal first responders; and

17 WHEREAS, In 1997, the City and County of San Francisco Board of Supervisors
18 approved Resolution No. 804-97 authorizing the City and County of San Francisco (the “City”)
19 to enter into an agreement to replace its existing radio system with a new 800 MHz Radio
20 System to benefit the City’s Police, Fire, Public Health, Sheriff, and Water and Recreation and
21 Park Departments; and

22 WHEREAS, The Department of Veterans Affairs - Medical Center San Francisco
23 located at 4150 Clement Street (the “VA Site”) was one of the City’s original six identified
24 locations essential to radio coverage for the Northwest sector of the City; and

1 WHEREAS, In 1998, the City entered into a Revocable License for Non-Federal Use of
2 Real Property with the VA to erect, maintain and operate radio communication facilities at the
3 Medical Center; and

4 WHEREAS, The Board of Supervisors and Mayor approved Resolution No. 580-03 on
5 August 26, 2003, retroactive to April 1, 2003, authorizing the City to enter into a license
6 agreement with the Department of Veterans Affairs which extended the term of the agreement
7 through March 31, 2023; and

8 WHEREAS, The Board of Supervisors and Mayor approved Resolution No. 452-16 on
9 October 28, 2016, authorizing the Department of Emergency Management (“DEM”) and the
10 Department of Technology (“DT”) to enter into a Purchase and Installation agreement, and a
11 Maintenance and Support Agreement for a new City wide 800MHz Radio System with
12 Motorola, Inc., to enhance the reliability and performance of the emergency radio network;
13 and

14 WHEREAS, The new 800MHz Radio System Project installed new equipment at the
15 VA site to ensure and achieve optimal radio coverage for public safety agencies within the
16 City's boundaries; and

17 WHEREAS, The Real Estate Division (“RED”), on behalf of DEM and the DT have
18 negotiated a new Sharing Agreement with a five-year term and three five-year options to
19 extend and an initial base rent of \$117,648 subject to 3% annual adjustments commencing
20 June 1, 2024, through May 31, 2029; and

21 WHEREAS, Pursuant to the Administrative Code, Section 23, a Fair Market Rent
22 appraisal by a third-party qualified appraiser was not necessary and the Director of Property
23 has opined that the proposed annual base rent to be at or under the fair market rate for similar
24 sites and uses; and

25

1 WHEREAS, The City will continue to pay for all of its utilities and maintenance costs;
2 and

3 WHEREAS, A copy of the proposed Sharing Agreement is on file with the Clerk of the
4 Board in File No. 240166; and

5 WHEREAS, The Sharing Agreement, upon approval of this Resolution by the Board of
6 Supervisors and the Mayor, will be on the same basic terms and conditions as the Sharing
7 Agreement on file; now, therefore, be it

8 RESOLVED, That in accordance with the recommendation of the Director of Property,
9 Executive Director of the Department of Emergency Management, Executive Director of the
10 Department of Technology, and the City Attorney, the Board of Supervisors approves the
11 Sharing Agreement and authorizes the Director of Property on behalf of the City, as Tenant, to
12 take all actions necessary or advisable to effectuate the Sharing Agreement with Department
13 of Veterans Affairs, as the Landlord, for 4150 Clement Street, San Francisco, California,
14 substantially in the form on file with the Clerk of the Board of Supervisors in File No. 240166;
15 and, be it

16 FURTHER RESOLVED, The base rent for the initial year shall be \$117,648 and
17 thereafter subject to annual adjustments of 3% and cost of utilities; and, be it

18 FURTHER RESOVLED, The Board of Supervisors approves the Sharing Agreement in
19 substantially the form in the Board's file and authorizes the Director of Property to execute any
20 amendments to the Lease, options to extend to the Agreement term, and make certain
21 modifications and take certain actions that do not materially increase the obligations or
22 liabilities to the City, do not materially decrease the benefits to the City and are necessary or
23 advisable to effectuate the purposes of the Sharing Agreement or this Resolution; and, be it

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1 FURTHER RESOLVED, That any action heretofore taken by any City employee or
2 official with respect to the exercise of the Sharing Agreement as set forth herein is hereby
3 approved, confirmed and ratified; and, be it

4 FURTHER RESOLVED, That within 30 days of the Sharing Agreement being fully-
5 executed by all parties, the Director of Property shall provide the final Sharing Agreement to
6 the Clerk of the Board for inclusion into the official file.

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Available: \$9,804.00
(base rent for period 6/1/24 through
6/30/24)

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| Fund ID: | 28070 |
| Department ID: | 207933 |
| Project ID: | 10024777 |
| Authority ID: | 17582 |
| Account ID: | 530000 |
| Activity ID: | 0001 |

/S/
Ben Rosenfield
Controller

Funding for Fiscal Year 2024/2025 is
subject to the enactment of the Annual
Appropriation Ordinance for Fiscal Year
2024/2025.

RECOMMENDED:

/S/
Michael Makstman
Interim City Chief Information Officer & Executive Director
Department of Technology

/S/
Mary Ellen Carroll, Executive Director
Director of Emergency Management

/S/
Andrico Penick, Director of Property
Real Estate Division