

1 [Site Use Agreement - VB Nimbus, LLC - Radio Equipment - 32322 S Corral Hollow Road,
2 Tracy - Initial Annual Rent of \$30,000]

3 **Resolution authorizing the General Manager of the San Francisco Public Utilities**
4 **Commission (SFPUC) to enter into a Site Use Agreement with VB Nimbus, LLC, a**
5 **Delaware limited liability company, for the installation, operation, maintenance, repair,**
6 **and replacement of radio equipment at 32322 S Corral Hollow Road in Tracy, at an**
7 **initial annual use fee of \$30,000 with annual increases of three percent for an initial**
8 **five-year term, commencing January 1, 2023, through December 21, 2028, with four**
9 **five-year extension options for the SFPUC Water Enterprise Radio Replacement Project**
10 **(Project), pursuant to Charter, Section 9.118; affirming the Planning Department's**
11 **determination that the project is categorically exempt from environmental review under**
12 **the California Environmental Quality Act; and to authorize the General Manager of the**
13 **SFPUC to enter into amendments or modifications to the Agreement that do not**
14 **materially increase the obligations or liabilities to the City and are necessary to**
15 **effectuate the purposes of the Agreement or this Resolution.**

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17 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) Water Enterprise
18 currently operates a low-band voice radio system for communications across its seven-
19 county, 2,400-mile coverage area; and

20 WHEREAS, On November 9, 2017, by Resolution No. 405-17, the Board of
21 Supervisors approved the Water Enterprise Radio Replacement Project (Project); and

22 WHEREAS, The SFPUC seeks to replace three outdated SFPUC radio systems with
23 one unified radio system that will provide radio coverage for SFPUC employees working on
24 SFPUC infrastructure from the Hetch Hetchy Reservoir to San Francisco and enhance
25 business and disaster communications; and

1 WHEREAS, The SFPUC seeks certain radio site locations to construct, install, use,
2 operate, maintain, enhance, repair, and replace radio communications equipment to provide
3 sufficient communications coverage throughout the Water Enterprise operating area; and

4 WHEREAS, The SFPUC selected the Corral Hollow radio communications site
5 because a radio communications system on the premises will provide key radio coverage for
6 the Water Enterprise's maintenance and service crews for Tuolumne, San Joaquin, and
7 Alameda Counties, more specifically, from Sonora to Tracy, and specific coverage for the
8 City's power line infrastructure in remote San Joaquin and Alameda Counties; and

9 WHEREAS, The City and County of San Francisco (City), through the SFPUC, as
10 licensee, desires to enter into a five-year Site Use Agreement (Agreement), with four, five-
11 year extension options with VB Nimbus, LLC, a Delaware limited liability company, as landlord
12 (Owner), to use approximately 345 square feet of ground space and certain tower space on
13 the Owner's existing tower located at 32322 S Corral Hollow Road in Tracy, California
14 (Premises) for the construction, installation, operation, maintenance, repair and replacement
15 of SFPUC radio equipment at a rental rate of \$30,000 per year, with annual increases of 3%;
16 and

17 WHEREAS, The Planning Department, by letter dated September 26, 2022, which is
18 on file with the Clerk of the Board of Supervisors in File No. 221120 and which is incorporated
19 herein by this reference, determined the Project to be categorically exempt from
20 environmental review under California Environmental Quality Act (CEQA) Guidelines, Section
21 15301, Class 1 (Existing Facilities) and CEQA Guidelines, Section 15302, Class 2
22 (Replacement and Construction) under Case No. 2022-008210ENV; and

23 WHEREAS, The Project will be funded by the Fiscal Year 2022-23 Water Enterprise
24 Operating Budget; and

25 WHEREAS, A delay in approving this Agreement will deny the SFPUC the opportunity

1 to lease space at a critical location for its radio replacement project; and

2 WHEREAS, On October 24, 2022, by Resolution No. 22-0187, a copy of which is on
3 file with the Clerk of the Board of Supervisors in File No. 221120, the SFPUC Commission
4 approved the terms and conditions of the Agreement and authorized the General Manager of
5 the SFPUC to execute the Agreement, subject to Board of Supervisors' approval under
6 Charter, Section 9.118; and

7 WHEREAS, Charter, Section 9.118(c) requires the Board of Supervisors approval of
8 leases having a term of ten or more years; now, therefore, be it

9 RESOLVED, That the Board of Supervisors hereby approves and authorizes the
10 General Manager of the SFPUC to execute the Agreement, in substantially the form on file
11 with the Clerk of the Board of Supervisors in File No. 221120, which is hereby declared to be
12 a part of this Resolution as if set forth here in fully; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors adopts the San Francisco
14 Planning Department's determination that the Project is categorically exempt from
15 environmental review under CEQA; and, be it

16 FURTHER RESOLVED, That the Board authorizes the General Manager of the
17 SFPUC to enter into any amendments or modifications to the Agreement, including, without
18 limitation, the modification, addition, or deletion of exhibits, and to enter into any related
19 documents, instruments, memoranda, or other agreements reasonably necessary to
20 consummate the transaction contemplated in the Agreement that the General Manager
21 determines, in consultation with the City Attorney, are in the best interests of the City, do not
22 materially increase the liabilities or obligations of the City or materially diminish the benefits to
23 the City, and to comply with all applicable laws, including the City Charter; and, be it

1 FURTHER RESOLVED, That within thirty (30) days of the execution of the Agreement
2 the General Manager of the San Francisco Public Utilities Commission shall provide the
3 signed contract to the Clerk of the Board for inclusion in the official file.
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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 221120

Date Passed: December 06, 2022

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission (SFPUC) to enter into a Site Use Agreement with VB Nimbus, LLC, a Delaware limited liability company, for the installation, operation, maintenance, repair, and replacement of radio equipment at 32322 S Corral Hollow Road in Tracy, at an initial annual use fee of \$30,000 with annual increases of three percent for an initial five-year term, commencing January 1, 2023, through December 21, 2028, with four five-year extension options for the SFPUC Water Enterprise Radio Replacement Project (Project), pursuant to Charter, Section 9.118; affirming the Planning Department's determination that the project is categorically exempt from environmental review under the California Environmental Quality Act; and to authorize the General Manager of the SFPUC to enter into amendments or modifications to the Agreement that do not materially increase the obligations or liabilities to the City and are necessary to effectuate the purposes of the Agreement or this Resolution.

November 30, 2022 Budget and Finance Committee - RECOMMENDED

December 06, 2022 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 221120

I hereby certify that the foregoing Resolution was ADOPTED on 12/6/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

12/16/22

Date Approved