

RESOLUTION NO. 73358

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A REVISED RATE SCHEDULE FOR PLACEMENT OF TELECOMMUNICATIONS EQUIPMENT ON CITY PROPERTY, TO INCLUDE SINGLE-SITE AND MULTI-SITE FEES, ANNUAL FEE INCREASES OF 4% OR THE ANNUAL INCREASE OF THE CONSUMER PRICE INDEX, WHICHEVER IS GREATER, AND A 20% DISCOUNT IN RATES FOR MULTIPLE SITES

WHEREAS, Resolution No. 70538, adopted August 7, 2001, contained in Exhibit E a rate schedule for placement of telecommunications equipment on City property (including Airport property); and

WHEREAS, the rates in such 2001 resolution should be revised to reflect the modifications in the Exhibit E attached hereto (also the Exhibit E to the Standard Form Agreements approved by Council resolution) which includes rates applicable to Multi-Site Property Use Agreements,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The rate schedule in the attached "Exhibit E" is hereby approved, and the rate schedule contained in Resolution No. 70538 is hereby superceded. All other provisions of Resolution No. 70538 remain in full force and effect.

ADOPTED this 22nd day of August, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, LeZOTTE, NGUYEN,
PYLE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: CORTESE

DISQUALIFIED: NONE

RON GONZALES
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

**EXHIBIT A
FEE SCHEDULE**

ANNUAL PAYMENTS (number of sites)	SITE DESCRIPTION*	STANDARD USE CHARGES (annual payment per site)
1-4	A	\$23,021.00
	B	\$27,627.00
	C	\$33,150.00
5-8 (20% reduction from annual payments)	A	\$18,416.80
	B	\$22,101.60
	C	\$26,520.00
9+ (30% reduction from annual payments)	A	\$16,114.70
	B	\$19,338.90
	C	\$23,205.00

First payment is due upon agreement execution. There is a minimum yearly increase of 4% or CPI, whichever is greater.

ONETIME PAYMENT UPFRONT (20% discount) (number of sites)	SITE DESCRIPTION*	STANDARD USE CHARGES (per site)
1-4	A	\$92,084.00
	B	\$110,508.00
	C	\$132,600.00
5-8 (20% reduction of onetime payment)	A	\$73,667.20
	B	\$88,406.40
	C	\$106,080.00
9+ (30% reduction of onetime payment)	A	\$64,458.80
	B	\$77,355.60
	C	\$92,820.00

Payment for first five years is due upon lease execution. Optional 5-year term lease rate will be charged at the greater increase of CPI or 4% per year from original execution date.

- *A 1-4 antennae per site and/or foundation/surface area containing equipment or cabinet is less than 150 square feet.
- B 5-8 antennae per site and/or foundation/surface area containing equipment or cabinet is 150 to 499 square feet.
- C 9 or more antennae per site and/or foundation/surface area containing equipment or cabinet is 500+ square feet, but not more than 16 antennas and 2,000 square feet.

* The rates noted above are for Fiscal Year 2006-2007 ending June 30, 2007; rates increase annually by the greater of four percent (4%) or the change in the Consumer Price Index (All Items, Base 1982-84 = 100) as published by the United States Department of Labor, Bureau of Labor Statistics for All Consumers for the San Francisco-Oakland-San Jose Metropolitan area (hereinafter "CPI"). The CPI rose less than 4% for the 12 month period ending April 2006.