



COUNCIL AGENDA: 12-04-07

ITEM: 3.5

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** AMENDMENT TO COUNCIL  
POLICY 7-10

**DATE:** 11-13-07

Approved

*Katy Allen*

Date

*11/19/07*

**COUNCIL DISTRICT:** Citywide

## RECOMMENDATION

Adoption of a resolution approving revisions to Council Policy 7-10 "Placement of Communication Facilities on City-Owned Property" as adopted October 8, 1996 to include installation of telecommunications equipment on streetlight, traffic signal, and other poles owned by the City and in the public right of way.

## OUTCOME

Council approval of this revised policy will provide additional opportunities to site telecommunications equipment and bring additional revenues to the City.

## BACKGROUND

On October 8, 1996, Council approved City Council Policy 7-10. "The City supports the expansion of telecommunication services to its businesses and residents. The purpose of this policy amendment is to establish a policy and set of guidelines for the lease of City-owned land, buildings, street lights, light poles or other City facilities for the placement of communication facilities by private telecommunications companies." The policy also provides 13 criteria and guiding principles for wireless facilities. These criteria and principles are based in accordance with Land Use Policy 6-20, Policy for Siting Wireless Facilities and Municipal Ordinance Nos. 25099 and 25100 and Municipal Code 15.50.

On August 7, 2001, Council adopted Resolution No. 70538. This resolution set forth rates on City and Airport properties; approved standardized Non-Exclusive Property Use Agreements for the Airport, City structures and monopoles on City-owned property, and authorized the City Manager to execute these standardized agreements.

## ANALYSIS

The City of San José currently administers 30 telecommunication contracts, and the City-wide pay-phone agreement:

- 3 cell phone and 2 WiFi contracts at the Airport currently providing annual revenue of \$355,810.
- 24 cell phone contracts with antenna locations on City-owned light poles and various City facilities. Those contracts currently provide an annual attributable revenue of approximately \$430,000.
- 1 multi-site agreement covering 1 City library and four street light poles at \$99,600 for the first year with a minimum 4% annual increase.

Council Policy 7-10 has been clarified to expressly address the use of City streetlights and traffic signals by agreement with telecommunications companies and the criteria for placement of telecommunications equipment in the public right-of-way. A copy of the proposed revised policy, marked to show changes, is attached.

Agreements with private entities to place telecommunications equipment on City-owned property are negotiated and administered by the Public Works Real Estate Division with the exception of Airport facilities. Because Airport contracts must be consistent with Federal Aviation Administration requirements, agreements to site telecommunication equipment on Airport property are administered by the Airport Department.

## EVALUATION AND FOLLOW-UP

These minor amendments to Council Policy 7-10 will provide additional guidelines for siting of telecommunications facilities on City-owned property including street light poles and traffic signals and will clarify the review requirements for equipment to be located in the public right-of-way. It will also provide additional General Fund revenue opportunities.

## PUBLIC OUTREACH

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

HONORABLE MAYOR AND CITY COUNCIL

11-13-07

**Subject: Amendment to Council Policy 7-10**

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This action does not meet any of the above listed criteria; however this memorandum will be posted on the City's website for the December 4, 2007 Council agenda.

**COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, City Manager's Budget Office and Departments of Airport, Information Technology, Transportation and Planning, Building and Code Enforcement.

**CEQA**

CEQA: Not a project.



KATY ALLEN

Director, Public Works Department

For questions please contact PHIL PRINCE, DEPUTY DIRECTOR, at (408) 535-8300.

NS:jd

Attachment