

**BOARD MEMORANDUM**

Date: October 9, 2007
 Committee Meeting Date: October 18, 2007
 Board Meeting Date November 1, 2007
 ACTION X DISCUSSION INFO

TO: Administration and Finance Committee
 Santa Clara Valley Transportation Authority
 Board of Directors

THROUGH: Michael T. Burns
 General Manager

FROM: John H. Ristow
 Acting Chief CMA Officer

SUBJECT: Lease with T-Mobile for Installation of a Cell Site at Guadalupe Division

Policy-Related Action: No**Government Code Section 84308 Applies: Yes****RECOMMENDATION:**

Authorize the General Manager to execute a five-year lease agreement, with an option for year-to-year extensions thereafter, with T-Mobile USA, Inc. (dba Omnipoint Communications, Inc.) to lease a wireless telecommunications site from VTA starting at \$2,500 a month for the first year plus 3% annual increases thereafter.

BACKGROUND:

In August 2005, T-Mobile's representative contacted VTA about construction of a cellular telecommunications site at the Guadalupe Light Rail Maintenance Facility. T-Mobile toured the site with the Guadalupe Facilities Maintenance Representative and it was determined that a rooftop site on the Administration and Maintenance Building (Building A) would be a workable location mutually acceptable to both VTA and T-Mobile. A formal application was received and the proposal was circulated throughout VTA in December 2006 soliciting approval or rejection. No issues or transit operations concerns were identified through the circulation process. The cell site will have no tower and will consist entirely of rooftop equipment using 330 square feet of space in the mid-area of Building A. This footprint includes the eight vertically mounted antennae at each of the four corners of the rooftop enclosure. The entire installation will be blocked from view by a 15-foot high screen wall that will enclose the entire 330 square foot site. The proposed installation will not damage the white fabric energy-saving material covering the roof, but T-Mobile will be required to take special precautions and be responsible for any damage to the fabric.

DISCUSSION:

This telecommunications site lease is the second with T-Mobile and the first to be located on a rooftop. The property is accessible via the security gate at Guadalupe and access to the building and roof are through identified hallways and doors. All T-Mobile personnel at Guadalupe will be issued visitor passes, which must be worn and visible at all times while on the premises. The site will have its own telecommunications and electric power access from existing access points within the Administration Building. The proposed term of the lease is for an initial period of five years with year-to-year extensions thereafter. The \$2,500 monthly (\$30,000 annual) rent is at the higher end of the market range for telecommunications sites in Santa Clara Valley. The terms of this lease are also consistent with similar site leases negotiated by wireless telecommunication companies for other locations. The agreement will also require T-Mobile to remove the facilities upon 180 days notice if VTA needs the rooftop for its own use.

In accordance with previous Board direction, VTA staff has confirmed that T-Mobile has obtained all required land use approvals from the City of San Jose for this installation. On December 8, 2006, the City of San Jose approved a Permit Adjustment for the rooftop installation and eight vertically mounted antennae for this site.

ALTERNATIVES:

The Board of Directors could determine not to lease the site for telecommunication use.

FISCAL IMPACT:

Execution of this lease arrangement will generate \$30,000 in annual revenue to VTA during the first year of operation.

ATTACHMENT

Local Corporate Offices for T-Mobile (dba Omnipoint Communications)

USA Corporate Offices:

**T-Mobile USA
12920 SE 38th Street
Bellevue, Washington 98006**

Robert Dotson, President and Chief Executive Officer

Bay Area Corporate Office:

**T-Mobile USA, Inc.
1855 Gateway Blvd. Suite 900
Concord, CA 94520
Chad Christie, Development Manager
Prakash Zoting, Radio Frequency Design Engineer**

Sub-Consultant

**Sutro Consulting, LLC
1011 23rd Street, Suite 3
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Erik Corkery, Principal**