



City Council Agenda Item Summary Report

Meeting Date: November 19, 2019

Submitted by: Jon Thatcher, City Attorney

Consent

Public Hearing

Action Item X

Item Title: Discuss and consider an Ordinance amending Chapter 3, Article 3.08 of the Code of Ordinances by adding Division 4, "Network Nodes and Node Support Poles" to regulate the physical use, occupancy and maintenance of City rights-of-way by wireless network providers.

How this item ties-in with the City's Mission, Vision and Values: We are open to new ideas and acceptive to create solutions to all challenges. [Visionary].

Summary Statement

The Texas Legislature approved Senate Bill 1004 in 2017 relating to the installation of wireless network nodes and node supporting poles within city right-of-way. The Bill established fees the City could charge for the deployment of network nodes and poles in the city right-of-way. This Ordinance would amend the Code of Ordinances, Chapter 3, Article 3.08 by adding Division 4 to help the City comply with Texas Senate Bill 1004 and set standards, fees and design criteria that must be followed for companies that plan to install wireless nodes in the city right-of-way.

This ordinance will regulate the design criteria, physical use, occupancy and maintenance requirements for the use of the city right-of-way by wireless network providers by describing the purpose, providing the definition, requiring compliance with the City Wireless Service (small cell) Design Manual and applicable codes for the poles pursuant to Chapter 284 of the Texas Local Government Code. The ordinance also provides city procedures for applications for permits, establishing time periods for approval of permit applications, provides application fees and annual public right-of-way rental rates, provides restriction on placement of network nodes and node support poles in municipal parks, residential areas, historic districts and design districts, and provides indemnity for the City.

Pursuant to Chapter 284 of the Texas Local Government Code, the following fees shall apply:

Application Fee:

Network Nodes (first 5 nodes) - \$500/node
For each additional node from 6 up to 30 in the same application - \$250/node
Node Support Pole - \$1,000/pole

Annual Rental Fee:

Network Nodes - \$250/node
Pole attachment rent (network node on service pole) - \$20/pole
Transfer Facility - \$28 per month/each Network Node

Staff recommends approval of the ordinance.