



## Legislation Details (With Text)

<b>File #:</b>	Ord. 2017-56(b)	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Individual Consideration		
<b>File created:</b>	10/23/2017	<b>In control:</b>	City Council		
<b>On agenda:</b>	11/8/2017	<b>Final action:</b>			
<b>Title:</b>	Consider approval of Ordinance 2017-56, on the second of two readings, amending Chapter 74 of the Code of Ordinances to add a new Article 7 to provide a framework for the deployment of Network Nodes and Node Support Poles in the right-of-way by Network Providers in accordance with Senate Bill 1004 codified as Texas Local Government Code Chapter 284; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.				

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. HistoricDistricts2017, 2. Small Cell Ordinance, 3. Design Manual, 4. Presentation

Date	Ver.	Action By	Action	Result
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**AGENDA CAPTION:**

Consider approval of Ordinance 2017-56, on the second of two readings, amending Chapter 74 of the Code of Ordinances to add a new Article 7 to provide a framework for the deployment of Network Nodes and Node Support Poles in the right-of-way by Network Providers in accordance with Senate Bill 1004 codified as Texas Local Government Code Chapter 284; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

**Meeting date:** October 17, 2017 - 1<sup>st</sup> Reading  
November 8, 2017 - 2<sup>nd</sup> Reading

**Department:** Public Services/Tom Taggart

**Funds Required:** N/A

**Account Number:** N/A

**Funds Available:** N/A

**Account Name:** N/A

**CITY COUNCIL GOAL:** Improve and Maintain City Infrastructure

**BACKGROUND:** The State Legislature passed and the Governor signed SB1004 on June 9, 2017. The law was effective on Sept. 1, 2017 and is codified in Chapter 284 of the Texas Local Government Code. Chapter 284 defines what cities can and cannot implement related to Small Cell Networks to be placed in public right-of-way. Small cells are defined as low-powered, base stations that provide wireless coverage for areas

ranging in size from homes and offices to stadiums, hospitals, and other outdoor spaces. Wireless service providers often use small cells to provide connectivity in areas that present coverage gaps created by buildings, towers, and challenging terrain. Small cells are a type of network node.

The legislation generally imposes strict limitations on what Cities can require of network providers, prohibits denial of connections to City owned infrastructure such as utility poles, street lights, traffic signal masts, and other facilities in the right-of-way. It also establishes maximum attachment fee levels for review, permitting and right-of-way use. The new legislation caps the annual right-of-way fee the city can charge to \$250 per network node. This Ordinance is intended to define standards and outline processes for the permitting, installation and operation of Small Cell Networks in the City within the extent allowed by the new law.

The new legislation allows the City to require that certain concealment measures be imposed in Historic Districts and other areas where the City maintains and enforces unique design and aesthetic standards. These designated areas are called Design Districts. The proposed ordinance identifies the Downtown Business Area and areas zoned T5 and T5-D as designated Design Districts. The City's seven Historic Districts are also designated as areas where concealment measures are followed. A map of the City's Historic Districts is attached for your reference.