



MEMORANDUM

To: Mayor and City Council

From: Kent Collins, P.E., Director of Public Works

Date: February 26, 2019

Reference: Small Cell Collocation Attachment License Agreement

2030: Sustainable City Government, Goal 3
Excellent and Well-maintained City Infrastructure and Facilities

General Information:

- Senate Bill (SB) 1004 adopted a new Chapter 284 of the Local Government Code.
- SB 1004 had an effective date of September 1, 2017.
- The provisions of Chapter 284 relate to installation of network nodes and node support poles in the public right-of-way.
- Local governments may designate historic districts and design districts with criteria for design or concealment.
- Chapter 284 provides for restrictions on installation of new poles in residential areas and parks, and discourages nodes in those areas.
- Cities may require a permit for installation of network nodes and poles.
- Permit and use fees are limited or capped.
- The City Council adopted code provisions and a design manual to address the provisions of Chapter 284.
- This item is a proposed form to allow small cell attachment to city-owned service poles.

Introduction:

This item is presented to consider approval of a Resolution adopting a Chapter 284 Service Pole Collocation Attachment License Agreement form, and authorize execution of the form by the Mayor. If approved, any small cell applications requiring attachment to a city-owned service pole would be approved administratively by the City Manager utilizing this approved form.

Analysis:

Senate Bill (SB) 1004 adopted a new Chapter 284 of the Texas Local Government Code. The provisions related to installation of network nodes and node support poles in the public right-of-way. Key elements of Chapter 284 relate to: size limits for network nodes; restrictions on exclusive right-of-way use agreements; rates for permitting and use (nodes and poles); collocation on service poles; right-of-way access rights; construction and maintenance; location and height new poles; restrictions on installation of new poles in parks or along residential streets; design or concealment of new network nodes or new poles in a historic district or design district that contains decorative poles; cabinet size; compliance with undergrounding requirements; compliance with design manual; applications, permits and related processes; *access to city-owned and other existing poles*; and interference. The city adopted amendments to the right-of-way management ordinance provisions that are compliant with Chapter 284 in order to apply those provisions (definitions, size limitations, permit fees/process, etc.) to applications that are made under Chapter 284. This item proposes approval of a resolution adopting an attachment agreement form for small cells to attach to city-owned service poles. Examples of service poles would include traffic signal poles or sign supports. If approved, any use of this form to allow attachment to a city-owned service pole would be executed by the City Manager.

Legal Review:

The City Attorney drafted the proposed resolution and agreement.

Fiscal Impact:

There is no fiscal impact for this item. If a collocation were to occur, the applicant would pay a rental rate of \$20 per year.

Recommendation:

The Public Works Department recommends approval of the proposed resolution.