

To the Mayor and Members of the City Council**September 17, 2019**

Page 1 of 1

**Subject: SMALL CELL ANTENNAS IN RESIDENTIAL AREAS**

The purpose of this informal report is to update the City Council on the City's efforts to notify residential property owners of applications to install wireless infrastructure such as network nodes (small cell antennas) and associated equipment. In 2017, the Texas Legislature passed S.B. 1004 (Texas Local Government Code, Chapter 284), with the purpose of furthering the important public policy of having reliable wireless networks and services through standardized permitting processes and compensation schedules.

Chapter 284 sets out certain limitations on the City that are intended to expedite the process on reasonable and nondiscriminatory terms. Chapter 284 limits the City's police power but allows additional restrictions on placement and characteristics of network nodes and node support poles when they are proposed to be located in municipal parks, residential areas, historic districts, design districts, and underground districts. Chapter 284 also permits the City to adopt a Design Manual governing the installation and construction of network nodes and new node support poles in the public rights-of-way.

The City has approximately 550 network node and node support pole permits issued or under review (see attached map). As network nodes and poles installed in rights-of-way have increased, the City has received complaints from homeowners. Chapter 284 and the City's Design Manual currently allow the City to deny permits in residential areas located adjacent to streets that are less than 50 feet in width. Based on complaints received in August 2019, staff began asking service providers to submit documentation of community outreach when submitting applications. Staff notified all service providers of the new notice requirements, and effective September 1, 2019, staff began implementing the following notification policy:

- New pole or ground equipment in residential areas:
 - All property owners within 150 feet of a new network support pole or ground equipment will receive a notice by mail with a photo simulation and other information from the service provider.
 - Neighborhood groups within 300 feet will receive an email notice.
 - A public meeting is encouraged but not required.
 - Property owners must submit protest in writing to City staff within 15 days of postmark date on notification sent by service provider.
 - If a protest is received, the service providers will work with the City and property owners to find an alternative location.
 - If an alternative location is not identified, the permit is denied.
- Pole replacement in residential areas:
 - No notification required.
- Attachment to existing pole in residential areas:
 - No notification required.

Staff has updated the Design Manual to reflect the new notification policy. The updated Design Manual and checklist were made available on the City website September 13, 2019. If you have any questions about this information, please contact Planning and Development Director Randle Harwood at 817-392-6101.

David Cooke
City Manager

Network Nodes Location as of 9-10-2019

