



City of San Antonio

Agenda Memorandum

File Number:19-7574

Agenda Item Number: 12.

Agenda Date: 4/2/2020

In Control: City Council A Session

DEPARTMENT: Public Works

DEPARTMENT HEAD: Razi Hosseini, P.E., R.P.L.S.

COUNCIL DISTRICT(S) IMPACTED: City Wide

SUBJECT:

Amendments to Chapters 29 and 37 of the City's Municipal Code

SUMMARY:

An ordinance authorizing amendments to Chapters 29 and 37 of the City Code to provide updates related to the deployment of small cell network nodes and node support poles in the public right-of-way authorized by Chapter 284 of the Texas Local Government Code.

BACKGROUND INFORMATION:

In FY 2017, Ordinance 2017-08-31-0609 was adopted by City Council authorizing amendments to Chapters 29 and 37 of the City Code to provide a framework for the deployment of network nodes and node support poles in the right-of-way.

Chapter 284 granted network providers access to City right-of-way and further granted network providers the authority to construct, install and operate network nodes on municipally owned utility poles, light poles, traffic light signal poles and traffic sign poles. Network providers are also allowed to install their own proprietary poles for the primary purpose of supporting network node(s).

The proposed revisions to the City Code include the addition of information required by the City as part of the network node application providing context to design requirements in the downtown and historic districts and prohibiting additional wired and power attachments to existing poles not covered by Chapter 284. Additionally, City staff is proposing to allow network providers who locate network node equipment on City traffic signal

poles to utilize the City’s meter and/or electric service account associated with the host traffic signal pole. The network providers will be responsible for all upgrades or improvements to the affected City traffic signal infrastructure.

City staff in coordination with CPS Energy has developed a proposed annual power recovery fee based on wattage used per network node when installed on traffic signal poles. Adopting the fee will decrease the amount of construction typically required, reduce ground equipment in the right-of-way, and develop a constant power disconnect standard which will enhance safety for City staff during routine traffic signal pole maintenance and/or knock down incidents.

The following table reflects the proposed Annual Power Recovery Fees by maximum wattage/amperage tiers:

Tier	Max Wattage/Amperage	Annual Fee
Low	0-480 watts /0-4 amps	\$356
Standard	481- 1,165 watts / 4.1-10 amps	\$864
High	above 1,165 watts/ 10+ amps	\$1,778

On December 10, 2019, City staff briefed the Innovation and Technology Committee on small cell deployment within the City of San Antonio which included an update on the proposed fee. AT&T and Verizon Wireless also provided a 5G update to the Committee.

ISSUE:

This ordinance authorizes amendments to Chapters 29 and 37 of the City Code to provide updates related to the deployment of small cell network nodes and node support poles in the public right-of-way authorized by Chapter 284 of the Texas Local Government Code.

The proposed revisions to the City Code include the addition of information required by the City as part of the network node application providing context to design requirements in the downtown and historic districts and prohibiting additional wired and power attachments to existing poles not covered by Chapter 284.

Additionally, City staff is proposing to allow network providers who locate network node equipment on City traffic signal poles to utilize the City’s meter and/or electric service account associated with the host traffic signal pole. The network providers will be responsible for all upgrades or improvements to the affected City traffic signal infrastructure.

City staff in coordination with CPS Energy has developed a proposed annual power recovery fee based on wattage used per network node when installed on traffic signal poles. The proposed fee will be invoiced upon approval of small the cell permits and then on an annual basis thereafter, on October 1 of each fiscal year. The proposed fee, which may be adjusted annually as necessary, would allow the City to recover the cost associated with the power consumption of the network nodes.

Adopting the fee will decrease the amount of construction typically required, reduce ground equipment in the right-of-way and develop a constant power disconnect standard which will enhance safety for City staff during routine traffic signal pole maintenance and/or knock down incidents.

ALTERNATIVES:

City Council could choose not to approve these amendments; however, this could potentially result in adverse city-wide construction related impacts, such as unnecessary sidewalk excavations and street closures as well as the installation of additional ground cabinets and associated equipment within the right-of-way to allow providers to connect to an electrical power source.

FISCAL IMPACT:

This ordinance authorizes amendments to Chapters 29 and 37 of the City Code to allow network providers who locate network node equipment on City traffic signal poles to utilize the City's meter and/or electric service account associated with the host traffic signal pole. The amendments will also establish a power recovery fee designed to allow the City to recover the cost of the electric service, paid to CPS Energy, associated with small cell antennas installed on the City's traffic signal poles.

It is estimated that the power recovery fee will generate an estimated \$18,000.00 in revenue in FY 2020. Expense associated with the increased electric service will be paid from the General Fund and revenues derived from this fee will be deposited into the General Fund.

RECOMMENDATION:

Staff recommends approval of this ordinance to amend Chapters 29 and 37 of the City's Municipal Code.