



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 12/1/2015

ALL

Item Creation Date: 11/13/2015

ARA-Verizon Master License Agreement for Wireless Networks

Agenda Item#: 26.

Summary:

AN ORDINANCE APPROVING AND AUTHORIZING A MASTER LICENSE AGREEMENT FOR THE USE OF THE CITY'S RIGHT-OF-WAY FOR THE INSTALLATION OF SMALL CELL ANTENNAS OR OUTDOOR DISTRIBUTED ANTENNA SYSTEMS FOR WIRELESS NETWORKS; APPROVING AND AUTHORIZING SUCH MASTER LICENSE AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS; AND AUTHORIZING THE MAYOR TO EXECUTE ALL SUCH SUBSEQUENT MASTER LICENSE AGREEMENTS.

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance establishing a Master License Agreement (Agreement) authorizing the use of the City of Houston's right-of-way for the installation of small cell antenna or distributed antenna systems (DAS) for wireless networks and approving such an Agreement between the City and Verizon Wireless.

The Agreement will allow cell phone carriers and wireless network infrastructure providers the right to enter and to use the public right-of-way to attach, install, construct, operate, lease, maintain, repair, replace, reattach, reinstall, relocate and remove their small cell antennas or distributed antenna systems to provide better coverage and meet increased demand for their services subject to the terms of the Agreement and in consideration of the fees paid.

Small cell networks and distributed antenna systems are being installed throughout the nation as part of a wireless network in order to meet ever-expanding demand for data capacity without necessitating the installation of large cell towers, also known as macro wireless towers. Interested parties have approached the City seeking permission to install said facilities in the City's right-of-way. State law requires the City to be compensated for use of the right-of-way.

Provisions included in the Agreement include:

- Non-exclusivity
- Location approval by the City Engineer's Office
- 20 year term
- Size limitations on equipment
- Minimum distance requirements from parks and historic landmarks unless approved by the ARA Director, Parks Director and/or City Engineer
- Must adhere to the FCC's radio frequency (RF) emissions standards
- Equipment near historic landmarks and TIRZ/Management districts must be camouflaged to be consistent with the surrounding area
- No above ground wires in areas with underground utilities
- No facilities on residential streets 50ft or less in width unless otherwise approved
- No new poles allowed if existing utility or streetlight poles are available at or near the proposed location

Fee Provisions: The annual fee structure is determined based on reasonable market value and consistent with the range charged by other Texas municipalities for similar use of the right-of-way for small cell and distributed antenna systems.

As the proposed Agreement balances the needs of the wireless industry with the concerns of the community, the ARA Department recommends adoption of the proposed Master License Agreement.

Departmental Approval Authority:



**Tina Paez, Director
Administration & Regulatory
Affairs Department**

Other Authorization

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