



20-0619

**TITLE:** Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney, Texas, Amending Chapter 90, "Streets and Sidewalks," of the Code of Ordinances of the City of McKinney, Texas, by Amending Article IV, "Rights-of-Way Use and Management," in Part, By and Through the Deletion of Sections 90-227, "Certificated Telecommunication Providers," and 90-228, "Network Providers," in Their Entirety and By the Adoption of a New Article V, Entitled "Small Wireless Facilities," to Provide Regulations for the Use of the City's Rights-of-Way By Certificated Telecommunications Providers in Accordance with Chapter 283 of the Texas Local Government Code; Adopting a Small Wireless Facilities Design Manual, Dated July 21, 2020, to Replace the Existing Public Right-of-Way Wireless Services Design Manual in its Entirety; and Amending Appendix A - Schedule of Fees by Deleting the Fees Associated with Section 90-228 and Adopting new Fees Applicable to Network Providers in Accordance with Article V; Repealing All Conflicting Ordinances; Providing a Severability Clause; Reserving All Existing Rights and Remedies; Providing for Immunity; Providing for Injunctions; Providing for the Publication of the Caption of this Ordinance; and Providing for an Effective Date

**COUNCIL GOAL:** Operational Excellence | Direction for Strategic & Economic Growth  
| 1A

**MEETING DATE:** July 21<sup>st</sup>, 2020

**DEPARTMENT:** City Manager's Office

**CONTACT:** Trevor Minyard, Strategic Services Manager

**RECOMMENDED CITY COUNCIL ACTION:**

- Approval of ordinance.

**ITEM SUMMARY:**

- In accordance with the City Council Strategic Goal, "1A | Establish regional and infrastructure incentives to increase economic growth | Move forward with a 5G strategic plan for the city...", staff is recommending the attached amendments to

the small cell ordinance and design manual.

**BACKGROUND INFORMATION:**

- In the 85<sup>th</sup> Legislative session of Texas, Senate Bill 1004 was passed which;
  1. Provided a uniform framework for the deployment of network nodes in a public right-of-way,
  2. Limited the ability of local municipalities to regulate network nodes in right-of-way, and
  3. Limited revenue collection of local municipalities concerning network nodes in right-of-way.
- Due to the passing of SB 1004, the City of McKinney updated its code of ordinances, and established a design manual for the regulation of small-cell nodes in the public right-of-way on September 19<sup>th</sup>, 2017.
- Over the previous two years, small-cell deployments within the public right-of-way in McKinney have been scarce, however inquiries have been made about the process moving forward.
- During the FY2019 - FY2020 city council strategic goals work session, the council recommended developing a strategic plan relating to “5G infrastructure.”
- From April 2019 to May 2019 city staff and city council worked on establishing a roadmap for the previously mentioned goal relating to “5G infrastructure,” and ultimately adopted a slate of guiding principles for the strategic planning process.
- After the established direction of city council, city staff interviewed and evaluated seven different firms for assistance in the development of a wireless/5G strategic plan for the City of McKinney from July 2019 - September 2019.
- During October of 2019, Council approved a resolution to authorize the city manager to execute a contract with the recommended firm from the mentioned interviews and evaluations
- From November 2019 to Mid-2020, Staff and the consultant HR Green, LLC have worked through various deliverables, held a citizen input meeting, and coordinated to deliver the update on the July 21<sup>st</sup> Work Session to include,
  - Health Report Update
  - Recommended Ordinance Changes
  - Recommended Design Manual Changes
  - Next Steps Timeline

**FINANCIAL SUMMARY:**

- The attached ordinance clarifies fee information, and also allows for changes in future ordinance updates as appropriate.

**BOARD OR COMMISSION RECOMMENDATION:**

- N/A

**SUPPORTING MATERIALS:**

[Design Manual](#)

## Ordinance