



AGENDA MEMORANDUM

First Reading for the City Council Meeting of July 18, 2017
Second Reading for the City Council Meeting of July 25, 2017

DATE: June 20, 2017

TO: Margie C. Rose, City Manager

FROM: William J. Green, P.E., Interim Director, Development Services Department
BillG@cctexas.com
361-826-3268

First Reading Ordinance – Pilot license agreement with Mobilitie, LLC
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CAPTION:

Ordinance authorizing the City Manager or designee to execute a pilot license agreement between the City of Corpus Christi and Mobilitie, LLC for wireless facilities and poles in the right-of-way.

PURPOSE:

The purpose of this item is to execute a pilot license agreement between the City of Corpus Christi and Mobilitie, LLC for wireless facilities and poles in the right-of-way.

BACKGROUND AND FINDINGS:

Mobilitie, LLC (“Applicant”) is the largest privately-held telecommunications infrastructure company in the United States. Mobilitie will design, install, operate, and maintain small cell installations on utility poles up to 40 feet in height located between the curb and sidewalk in City’s right-of way. “Small cells” is an umbrella term for operator-controlled, low-powered radio access nodes that help fill voids in wireless network coverage or capacity for wireless carriers. Unlike cellular towers, small cells are relatively discreet and require less infrastructure to be installed at a property. The Applicant is proposing 28 locations throughout the city, which have been included in the agreement and supporting documents. Staff recommends that the Applicant pay an annual payment of \$1500 for each one-year pilot license agreement for wireless facilities and poles in the right-of-way.

ALTERNATIVES:

1. Approve the request
2. Deny the request

OTHER CONSIDERATIONS:

Due to the recently passed legislation of SB 1004, effective September 1, 2017, cities will no longer be able to determine the fees for leasing their right-of-way for wireless facilities. SB 1004 limits the maximum fee a City may charge for right of way usage to \$250 per small cell annually with a \$38 monthly fee for backhaul devices. A renewal agreement with Mobilitie will be subject to SB 1004.

CONFORMITY TO CITY POLICY:

City Charter Article IX, Section 1, requires City Council approval for the use of any portion of public right-of-way for private purposes.

EMERGENCY / NON-EMERGENCY:

Non-Emergency

DEPARTMENTAL CLEARANCES:

Legal, Development Services, and Planning

FINANCIAL IMPACT:

☐ Operating ☒ Revenue ☐ Capital ☐ Not applicable

Fiscal Year: 2016-2017	Current Year	Future Years	TOTALS
Line Item Budget			
Encumbered / Expended Amount			
This item	\$42,000.00		\$42,000.00
BALANCE	\$42,000.00		\$42,000.00

Fund(s): 1020-General Fund

Comments: None

RECOMMENDATION:

Staff recommends approval of the ordinance to execute a pilot license agreement with Mobilitie, LLC for wireless facilities and poles in the right-of-way.

LIST OF SUPPORTING DOCUMENTS:

Ordinance

Agreement with exhibit

Combined Maps

Presentation – Aerial Map