CITY OF BRYAN
The Good Life, Texas Style.

ACTION FORM
BRYAN CITY COUNCIL

Meeting Date (?) 11/21/2016

Subject Matter* (?) Amendment to Ordinance 2168-Temporary Moratorium on Wireless Communications Systems
This must match rolling agenda entry

Department of Origin* INFORMATION TECHNOLOGY

Submitted By* Bernie Acre

Type of Meeting* ○ BCD ○ Special ◉ Regular

Classification* ○ Public Hearing ◉ Consent ○ Statutory ○ Regular

Ordinance* ○ None ○ First Read ◉ Second Read ○ First & Only Read

Strategic Initiative* ☑ Public Safety ☑ Economic Development ☑ Quality of Life ☑ Service ☑ Infrastructure

Agenda Item Description* Requesting an amendment to the previously approved Ordinance Number 2168, effective September 13, 2016. The purpose of this proposed amendment is to modify the Temporary Moratorium from 120 to 180 days and to not restrict an application for modification of an existing wireless facility tower or base station that is determined by staff not to be a substantial change to the physical dimensions of such tower or base station as such terms are defined by the Code of Federal Regulations, 47 C.F.R. § 1.40001.

Summary Statement* Under the Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City. Additionally, under Section 332 of Title 47 of the United States Code, the City may regulate the placement, construction, and modification of wireless telecommunication facilities, subject to specified limitations.

The City Council previously adopted Ordinance Number 2168, effective September 13, 2016, imposing a temporary moratorium on the submission, acceptance, processing, and approval of any application for a permit or license for the installation of above-ground wireless communications facilities in the public right of way or on public or private property.

Since the ordinance was adopted, the City has determined there was an unintended consequence of prohibiting minor modifications to existing above-ground wireless communications facilities that do not involve a substantial change to the physical dimensions of the tower or base station; and further that additional time is needed to prepare, evaluate, and adopt reasonable regulations regarding the use of public rights-of-way and other public and private property within the City for wireless communications facilities.

Staff Analysis & Recommendation* Staff recommends approving the Amendment to Ordinance 2168 to extend the temporary moratorium from 120 days to 180 days. This extension will allow staff time to develop a defined criteria for future wireless attachment applications. Staff also recommends approving this amendment to accommodate present facility modifications to be evaluated based on their individual merits within the criteria stated in the Summary Statement of this Council Action Form and the Amendment document.

Options* (In Suggested Order of Staff Preference)

1. Approve the proposed ordinance.

2. Do not Approve.

3. Make recommendations to staff on alternate course of action.

Funding Source* No funding requirement needed

Attachments ORD Wireless Moratorium Amendment (10-18-16).pdf 85.2KB

Please detail attachments and note attachments available for viewing in City Secretary's Office:
1. ORD Wireless Moratorium Amendment (10-18-16).PDF

Dept. Head Signature Bernie Acre

Deputy City Manager Signature	Hugh R. Walker
City Manager Signature	
City Attorney Signature	Janis K Hampton