City of Pflugerville

Legislation Details (With Text)

File #:	ORD-0533	**Version:**	2	**Name:**	
Type:	Ordinance			**Status:**	Approved
File created:	7/17/2020			**In control:**	City Manager Office
On agenda:	8/11/2020			**Final action:**	

Title: Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, authorizing the lease agreement between the City of Pflugerville and Cellco Partnership DBA Verizon Wireless for City land located at 901 Old Austin-Hutto Road; providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Presentation Slides, 2. Vicinity Map, 3. Section 4.8 Wireless Telecommunication Facilities Regulations, 4. Ordinance & Land Lease

Date	Ver.	Action By	Action	Result
8/11/2020	2	City Council	Approved on Second Reading	Pass
7/28/2020	1	City Council	Approved on First Reading	Pass

Approving an ordinance on second reading with the caption reading: An Ordinance of the City of Pflugerville, Texas, authorizing the lease agreement between the City of Pflugerville and Cellco Partnership DBA Verizon Wireless for City land located at 901 Old Austin-Hutto Road; providing for repeal of conflicting ordinances; providing for severability; and providing an effective date.

Verizon is proposing to construct a 100-foot monopole wireless telecommunication facility (WTF) on a City-owned parcel generally located at 901 Old Austin-Hutto Road, generally north of the City's Mentzer Pool in Heritage Park. Construction access will be via Old Austin-Hutto Road, and permanent access to the site would be via Sweet William Lane on a limited basis. A WTF is defined in the Unified Development Code as "an unstaffed facility composed of one or more of the following components: antenna, equipment enclosure, security barrier, and/or communication tower. The facility is used for the transmission and reception of radio, microwave, or electromagnetic signals used for commercial communication by a wireless communication service provider."

For consideration is an ordinance to authorize a land lease agreement for an initial five-year term, at $18,000/year for the 1,600 square foot site within the larger parcel as stated in paragraphs 1, 2 and 4.

Paragraph 3 provides for extensions in which this Agreement shall automatically be extended for 4 additional 5-year terms unless LESSEE terminates it at the end of the then current term by giving LESSOR written notice of the intent to terminate at least 3 months prior to the end of the then current term.

Paragraph 4 further details the rental in which The annual rent for each five (5) year extension term shall increase ten (10%) percent over the annual rent due for the immediately preceding five (5) year term.

powered by Legistar™

As stated in paragraph 8, the lease is contingent upon obtaining full entitlements as well as satisfactory geo-technical and environmental studies for the use the property.

The property is zoned CL-4, and a wireless telecommunication facility is noted with a “C/S” in the table of permitted uses in the Unified Development Code, and as such, is permitted by right within the given district provided that specific conditions are met, unless authorized by a specific use permit.

Provisions regarding the development of wireless telecommunication facilities is attached.

Prior City Council Action
This ordinance was approved on first reading on July 28, 2020.

Deadline for City Council Action
A second reading of the ordinance is scheduled on August 11, 2020.

Funding Expected: Revenue _x_ Expenditure __ N/A __
Budgeted Item: Yes __ No _x_ N/A __
Amount: $18,000/year or $90,000 for the first 5-year term. The annual rent for each of the 4 additional five (5) year extension terms shall increase ten (10%) percent over the annual rent due for the immediately preceding five (5) year term.
1295 Form Required? Yes __ No _x_
Legal Review Required: N/A __ Required _x_ Date Completed: July 21, 2020

Supporting documents attached:
Vicinity Map
Section 4.8 Wireless Telecommunication Facilities (WTF) Requirements
Ordinance & Land Lease Agreement

Recommended Action
Approve an ordinance on second reading providing a Land Lease Agreement between the City of Pflugerville and Cellco Partnership d/b/a Verizon Wireless located at 901 Old Austin-Hutto Road.