



MEMORANDUM

To: Mayor and City Council

From: Ken Griffin, P.E., Director of Engineering and Public Works

Date: August 22, 2017

Reference: Discussion of issues related to Network Nodes and Node Support Poles pursuant to Chapter 284 of the Texas Local Government Code

2030: Sustainable City Government, Goal 3
Excellent and Well-maintained City Infrastructure and Facilities

General Information:

- Senate Bill (SB) 1004 adopts a new Chapter 284 of the Local Government Code.
- SB 1004 has an effective date of September 1, 2017.
- The provisions of Chapter 284 relate to installation of network nodes and node support poles in the public right-of-way.
- Local governments may designate historic districts and design districts with criteria for design or concealment.
- Chapter 284 provides for restrictions on installation of new poles in residential areas and parks, and discourages nodes in those areas
- Amendments to the city Right-of-Way Management provisions will ensure compliance with Chapter 284.
- The Design Manual establishes aesthetic standards associated with network nodes and node support poles.
- The Design District map identifies areas in the city that are subject to design, camouflage and concealment standards.
- Staff presented a work session briefing related to this item during the August 8th City Council Meeting.

Introduction:

Staff briefed the City Council on the elements of Chapter 284 of the Local Government Code during the August 8th City Council meeting. This item presents a discussion of the proposals to address applications for installation of network nodes and node support poles.

Analysis:

Senate Bill (SB) 1004 adopts a new Chapter 284 of the Texas Local Government Code. The provisions relate to installation of network nodes and poles in the public right-of-way. Three agenda items are included on the agenda to: amend the Right-of-Way Management Ordinance provisions of the city's code; adopt a Design Manual; and adopt fees related to small cell applications. Key elements of Chapter 284 relate to: size limits for network nodes; restrictions on exclusive right-of-way use agreements; rates for permitting and use (nodes and poles); collocation on service poles; right-of-way access rights; construction and maintenance; location and height new poles; restrictions on installation of new poles in parks or along residential streets; design or concealment of new network nodes or new poles in a historic district or design district that contains decorative poles; cabinet size; compliance with undergrounding requirements; compliance with design manual; applications, permits and related processes; access to city-owned and other existing poles; and interference.

The schedule of adoption was necessary to ensure that these design provisions are in place prior to the September 1st effective date of Chapter 284 of the Local Government Code.

Legal Review:

Staff worked with the City Attorney to draft the Design Manual and code amendments.

Fiscal Impact:

There is no fiscal impact for this item.

Recommendation:

Three related items are included on this agenda for consideration: amendments to Chapter 6 of the Code of Ordinances; adoption of a Design Manual for Installation of Network Nodes and Node Support Poles; and adoption of fees related to administration of applications for small cell installations.