



## MEMORANDUM

**To:** Mayor and City Council

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

**Date:** August 22, 2017

**Reference:** Amendments to Chapter 6 of Coppell Code of Ordinances pursuant to Chapter 284 of the Texas Local Government Code

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

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### 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.
- Cities may require a permit for installation of network nodes and poles.
- Permit and use fees are limited or capped.
- Staff presented a work session briefing on the issues related to this item during the August 8<sup>th</sup> Town Council Meeting.

### Introduction:

Staff will provide a briefing on the content of SB 1004, which adopts a new Chapter 284 of the Local Government Code. This item proposes changes to the right-of-way management provisions of the city's Code of Ordinances to ensure that it is in compliance with the new Chapter 284. A companion agenda item presents a new Design Manual for the Installation of Network Nodes and Node Support Poles for adoption. Finally, an amendment to the City's Master Fee Schedule is also proposed to adopt fees associated with permitting, reviewing and inspecting applications submitted under Chapter 284.

**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 node support poles in the public right-of-way (full text and summary of SB 1004 are attached). 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 city must adopt right-of-way management ordinance provisions that are compliant with Chapter 284 in order to apply those provisions (definitions, size limitations, permit fees/process, etc.) to applications that are made under Chapter 284. This item proposes amendments to Chapter 6 of the Code of Ordinances to satisfy that requirement.

Companion agenda items are also being presented to adopt a Design Manual and adopt fees for permitting and operation as allowed in Chapter 284. This schedule is necessary to ensure regulations are in place prior to the September 1, 2017 effective date.

**Legal Review:**

The City Attorney drafted the proposed ordinance.

**Fiscal Impact:**

There is no fiscal impact for this item.

**Recommendation:**

The Engineering Department recommends approval of the proposed ordinance.