



AGENDA MEMO

8/15/2017 Agenda

TO: Honorable Mayor and City Council

FROM: Dale Harwell, Director of Information Services
Jacob Speer, Director of Public Works
Patrick Baugh, Director of Community Development

SUBJECT: Consider Ordinance to Amend Code of Ordinances Chapter 3 "Building Regulations", Article 3.14 "Streets and Sidewalks", Adopting Division 4, "Network Providers", and Amending Appendix A, "Fee Schedule"

PURPOSE

The purpose of the ordinance is to amend the Code of Ordinances to provide regulations consistent with state law related to the installation of network nodes in the public right-of-way by network providers and amending the fee schedule to provide fees applicable to the installation of network nodes and related equipment.

DISCUSSION

Senate Bill 1004 relates to the deployment of network nodes in the public right-of-way and authorizes fees. This law was enacted by Governor Greg Abbott on June 9th and will be effective on September 1st. The law amends the Local Government Code by adding Chapter 284 that regulates the deployment of small cellular network nodes by network providers including wireless carriers that directly service subscribers and companies that supply wireless carriers with network infrastructure.

Staff has partnered with the City Attorney's Office to draft an ordinance that will amend the City's existing Code of Ordinances to be compliant with the new law. The following changes are included in the ordinance:

- Sec. 3.14.082 Permits is amended to indicate that installation of network nodes and related equipment shall be exempted from this section if the installation is in accordance with Chapter 284 of the Local Government Code.
- Within Article 3.14 of the Code of Ordinances, a new Division 4 Network Providers will be added to contain the new regulations.
- Sec. A.3.012 Network Provider Fees will be added to Appendix A Fee Schedule to list the one-time and recurring fees to be paid by network providers in accordance with Chapter 284.

RECOMMENDATION

Staff recommends that the City Council approve the ordinance to amend the Code of Ordinances and Fee Schedule.