



INFORMATION MEMORANDUM

TO: Mayor and City Council

FROM: Charles S. Cox
City Manager

DATE: August 7, 2017

SUBJECT: Ordinance No. 3458 establishing special Design Districts and a Design Manual for Wireless Network Node Installation within the City.

During this year's regular session, the Texas Legislature approved Senate Bill 1004, which adopts a new Chapter 284 of the Local Government Code. In adopting this chapter, the Legislature provided a state-wide regulatory scheme concerning the installation of wireless network equipment in the public right-of-way. This legislation greatly limits the ability of individual cities to further regulate this type of equipment.

The wireless network equipment addressed by the bill primarily includes "network nodes", which is equipment that enables wireless communications between the communications network and the user's equipment, and related equipment. The provisions of Chapter 284 apply to both the "wireless service provider", who provides the service directly to the public, and to "network providers", which are entities who do not provide service to the end-user, but whom build the equipment on behalf of a wireless service provider.

The bill, which is effective September 1st, provides some regulations concerning size and location of the equipment, as well as maximum fees which can be charged. The bill does not allow cities to prohibit the installation of this equipment in the City, and prevents cities from denying network providers access to city service poles (i.e. traffic signal poles, signage, light poles), although the City can require a collocation agreement for such connections.

However, the bill does allow some restrictions concerning the ability to install equipment in parks and residential areas. It also authorizes the city to impose heightened aesthetic and camouflaging requirements, as detailed in the City's Design Manual, if the equipment is located in an area designated by the City as a design or historic district.

This proposed ordinance (Ordinance No. 3458) designates all 99 of the Cities' Planned Development Districts (PDs) as special design districts and adopts a Design Manual for wireless network node equipment both within the City at large and more restrictively within these 99 PDs.

City Staff strongly recommends approving Ordinance No. 3458 before September 1st, 2017.