

**STATE OF TEXAS  
COUNTY OF DENTON  
CITY OF CORINTH**

On this the 18<sup>th</sup> day of May 2017 the City Council of the City of Corinth, Texas met in a Workshop Session at the Corinth City Hall at 5:30 P.M., located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members to wit:

**Members Present:**

Bill Heidemann, Mayor  
Joe Harrison, Council Member  
Sam Burke, Council Member  
Don Glockel, Council Member  
Scott Garber, Council Member  
Lowell Johnson, Council Member

**Staff Members Present:**

Bob Hart, City Manager  
Jason Alexander, Director, Economic Development Director  
Mike Brownlee, City Engineer  
Cody Collier, Director, Public Works  
Brenton Copeland, Manager, Technology Services  
Delilah Garcia, Technician, Permitting  
Fred Gibbs, Director, Planning  
Kim Pence, City Secretary  
Mack Reinwand, City Attorney  
Brandon Shepard, Deputy Chief, Fire Department  
Debra Walthall, Chief of Police  
Greg Wilkerson, Assistant Chief of Police

**CALL TO ORDER:**

Mayor Heidemann called the meeting to order at 5:30 P.M.

**WORKSHOP BUSINESS AGENDA ITEM:**

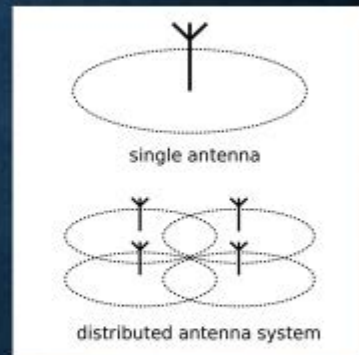
1. Hold a discussion and provide staff direction on a Right-of-Way Management Ordinance for the City of Corinth, Texas.

**Mike Brownlee, City Engineer** - Presented Council presentation on right-of-way ordinance:

# ROW MANAGEMENT ORDINANCE

CITY COUNCIL WORKSHOP MAY 18, 2017

- WHY?
- For traditional reasons:
  - The City is responsible to maintain and operate the roadway and provide access to the ROW on behalf of the citizens of Corinth.
  - The ordinance formally designates a ROW manager and provides the framework for a ROW permitting process to replace the current "voluntary" permitting system.
- To protect the city from the "Wireless Data Explosion"
  - Cell Towers are being constructed by Certified Telecom Providers (CTPs) in the public ROW
  - HB 2828 – Chapter 284. Deployment of Network Nodes in Public Right of Way is being considered in the Texas Legislature leaving cities vulnerable to the impact of this new infrastructure



**The Market for Distributed Antenna Systems (DAS) is Growing**

- Not just traditional cell towers anymore
- New wireless "micro" facilities are more numerous and more targeted than traditional cell towers
- These "micro" antennas are typically targeted for installation in the public ROW
- These systems are known as Distributed Area Networks or "DAS"
- It is estimated that 10,000 DAS networks were installed by 2011. Since that time it is estimated that 150,000 have been installed.
- With the explosion of data use this expansion is expected to increase to meet rapidly growing customer demand for wireless data



- HB 2838 – Chapter 284 is onerous to cities since it:
  - Pre-empt local authority to regulate the ROW
  - Allows easy deployment from cell phone providers
  - Limits fees cities can collect
  - Allows attachments on any type of pole
  - Allows attachments on existing poles
  - Allows adding new poles to attach network nodes



- Under Chapter 284 New Equipment is Allowed For:
- Existing Poles:
  - Pole mounted equipment and antennas can be added up 34 cu. ft. protruding above and beyond the existing pole
- Ground Based Enclosures
  - Ground based enclosures 3.5' x 3.5' x 3.5'
- New Poles
  - 10' higher than existing poles
  - 50' max height
  - Must obtain advance approval to install new poles/attachment on decorative poles or in historic districts
  - New poles not allowed in ROW < 50'
  - New poles not allowed adjacent to SF/MF



#### Under Chapter 284 Cities Can Adopt a Design Manual:

- Design Manual:
  - "Section 284.108. Design Manual, (a) A municipality may adopt a design manual for the installation and construction of network poles in the public ROW that includes **additional installation and construction details** that do not conflict with this chapter".





## DESIGN MANUAL RECOMMENDATIONS:

- Wooden poles prohibited for new poles – require break away poles, black, powder coated
- Above ground facilities concealed/enclosed as much as possible
- No aerial wires
- Electric meter not mounted on pole
- Comply with visibility and accessibility standards
- Not obstruct sidewalks
- Provide vertical clearance
- Color – to match pole
- New poles encouraged to be shrouded
- Decorative poles to be concealed/stealth



## DESIGN MANUAL RECOMMENDATIONS (cont.):

- Spacing requirements
- Abandonment of network nodes and poles shall be at provider's expense
- Restoration of ROW and damages to infrastructure
- Repairs
- Graffiti abatement
- Inventory of network nodes
- No further than 2' from the ROW line



PERMITTING PROCESS RECOMENDATIONS:

- Application Requirements:
  - Aerial Map and Street View
  - Sealed engineering plans for structural stability
  - Scaled drawings of proposed above ground and under ground
  - Before and after image drawing
  - Interference analysis of communication infrastructure (traffic signals, public safety radio system, city communications, etc.)
  - Spaced at least 300' of another capable pole
  - Requires a building permit



Actual Site, modifications made w/o permits  
(whip antenna for Sprint, panel for Verizon)

- **ORDINANCE CONTAINS SEVERAL SECTIONS**
  - **DIVISION 1 – Standards: Establish City Ordinances and Construction Standards**
  - **DIVISION 2 – Right of Way Management: Establish roles and responsibilities**
  - **DIVISION 3 – Technical Specifications: How work is performed under a permit**
  - **DIVISION 4 – Indemnification, Insurance, Bonding and Liability**
  - **DIVISION 5 – Variance and Exceptions**
  - **DIVISION 6 – Certified Telecommunications Providers: Exempt from fees but not permits**
  - **DIVISION 7 – Miscellaneous: Establishes Fee and Modifies Fee Schedule**

**Mike Brownlee, City Engineer** - The idea for the Right-of-Way Ordinance is to be sure that vendors go through the proper channels before completing any work in the City of Corinth and that the City's guidelines are properly followed.

**Councilmember Johnson** - Is there a problem with that if there is already a power easement through there? If Oncor has an easement running through there are they going to stick it on Oncor's easement? Are they going to have to negotiate with Oncor to get it there? If there is not enough space? Or Atmos?

**Mike Brownlee, City Engineer** - I haven't talked to Oncor yet, but I will.

**Mayor Heidemann** - This gives us extra leverage if we have it in place?

**Mack Reinwand, City Attorney** - It gives the city some control to dictate where they are going. They have two versions going. One version from the House has September 1<sup>st</sup>, Senate version has it effective immediately if it passes with two thirds vote. We don't know where that's going to go. It may come down to an effective-type date depending on how they figure that out between the House and Senate. We want to get this in place as soon as possible.

If we don't have this in place, basically they will probably just come in and start putting up these things without ever coming to the City. We need to have some type of provision in place to at least make them come in and go through a process and make us aware of where they are and what they are doing.

**Mike Brownlee, City Engineer** - They don't have to ask.

**Mack Reinwand, City Attorney** - I don't want to say that we have ultimate control. There are many things that we cannot do. There are certain rules in this Bill. We have been given authority to have some say on the design and on the permitting. We will use that authority. This is a preempting statute. There is limited authority for what the city can do. We are taking what they said we can do and running with that.

**Mayor Heidemann** - Will you be reviewing this and getting back to us at the next meeting?

**Bob Hart, City Manager** - June 1, 2017.

**Mike Brownlee, City Engineer** - We are going fast and working a design manual, too. We will bring that to you to look at. It will show you how we will implement this process. The permitting process will also be available.

**Mack Reinwand, City Attorney** - It will be more detailed. The ordinance we are anticipating will control the entire right-of-way and how it is used. Including water, sewer, electric, gas, telecom, cable - this will give us the authority to control it, to permit it, inspect it, make people register so we know where everything is going, put standards in place for traffic impact and everything else. It will be much more detailed, but this will be a part of it.

**Councilmember Harrison** - When did the House adjourn?

**Bob Hart, City Manager** - On May 29<sup>th</sup>.

**Councilmember Harrison** - When are you trying to have this completed by?

**Bob Hart, City Manager** - June 1<sup>st</sup>.

**Mack Reinwand, City Attorney** - We are not sure if it is going to be effective immediately or if it will be on September 1<sup>st</sup>.

**Councilmember Johnson** - When I read through the ordinance, it also covered trees. Are we also talking about landscaping of the right-of-way? It does cover tree trimming.

**Mike Brownlee, City Engineer** - It does not cover landscaping.

2. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.

#### **CONSENT AGENDA**

6. Consider and act on the site plan for Corinth First Baptist Church on property legally described as First Baptist Church Addition Block A, Lot 1 zoned SF-4 Single Family Residential in the City of Corinth, Denton County, Texas and having a physical address of 3033 Meadowview Drive.

**Bob Hart, City Manager** - The work that First Baptist is going to do complies with all of our ordinances. It should be on consent because it is consistent with the ordinances. Mike and Fred did an excellent job working with them and getting this worked through to a good positive resolution. We've been on-site with them. Mike has met with their engineer several times and has worked through getting on-site retention before the water is released. We've avoided some of the conflicts they would have had with Lake Dallas detention pond. They are asking for no waivers.

**Mayor Heidemann** - The issues we had last time was that there was some cooperation or agreement between Lake Dallas ISD and Baptist for parking. That is not part of the ordinance? We don't have to worry about that?

**Bob Hart, City Manager** - That is correct. It is not part of the ordinance. What the church is doing is allowing Lake Dallas to park on the parking lot for their baseball games, but that is not part of our ordinance. They have done that independent of us.

7. Consider and act on an Interlocal Cooperation Agreement for Shared Governance communications and Dispatch Services System with Denton County.

**Councilmember Harrison** - Can we get the updated information?

**Kim Pence, City Secretary** - This is the same Interlocal. There was no change to the Interlocal Agreement with the exception of filling in the areas shaded in blue.

10. Consider and approve a renewed Interlocal Agreement between the City of Corinth and Denton Independent School District to provide police services (one full time police officer position) to staff the school resource officer position at Crownover Middle School in Corinth. This agreement provides for expenditures of general funds for 25% of the salary of the existing full time police officer.
11. Consider and approve a renewed Interlocal Agreement between the City of Corinth and Denton Independent School District to provide police services (one full time police officer position) to staff the school resource officer position at Myers Middle School in Shady Shores. This agreement provides for expenditures of general funds for 25% of the salary of the existing full time police officer.



12. Consider and approve a renewed Interlocal Agreement between the City of Corinth and Lake Dallas Independent School District to provide police services (one full time police officer position) to staff the school resource officer position at Lake Dallas High School in Corinth. This agreement provides for expenditures of general funds for 25% of the salary of the existing full time police officer.

**Bob Hart, City Manager** - Requesting to pull Consent Agenda Items 10, 11 and 12 and defer them to the next meeting. We were talking with Lake Dallas and what we put in these agreements we were projecting what our health insurance costs were going to be and they would like to have that nailed down a little better so that it is an actual cost and not a projected cost. I'd like to get that cleaned up a bit and bring it back to you and June 15<sup>th</sup>.

14. Consider and act on a request from the Police Department to approve an Interlocal Cooperation Agreement with the Denton County Sheriff's Office for Shared Governance Communications and Dispatch Services for the 2017-2018 Fiscal Year.

**Councilmember Harrison** - Why is Lake Dallas highlighted and not Corinth?

**Greg Wilkerson, Assistant Chief of Police** - I can address that, that is a document provided to us by the Denton County Sheriff's Department. They highlighted that section to let us know that they have added a new city on board and that our costs would be going down. I cannot control them highlighting that. We attached their document to the report.

## **BUSINESS AGENDA**

17. Consider and act on an Interlocal Agreement for Holding Facility Services with the Town of Little Elm.

**Bob Hart, City Manager** - We want to defer this item to the June 1<sup>st</sup> meeting. Little Elm's attorney wanted to go through some wording and we need to get him and Mack in contact. In concept, everything is solid, but we want to be sure.

18. Consider adoption of a resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation.

**Bob Hart, City Manager** - We have a revised resolution. When we talk about funding for the additional work for Lake Sharon and the Public Safety Building, this is the authorization to move forward on that. What I am requesting that you do on this particular resolution is also include language that would include the Public Works Facility and then in the course of the next several weeks we will get some feedback on what that might cost and whether that is a feasible idea to take forward. The way the process works is that once you set a ceiling and what the projects are you cannot go back and revisit. You can always lower and take things out, but you cannot go up or add things. What I'd like to do is add the Public Works Facility so we can have a conversation on that sometime during the month of June or July. If there is some interest in proceeding, then we have the ability to do that. We've asked Sedalco to review those and give us a number then I'll have a better sense on how to react.

**Councilmember Burke** - Does the revised information include the added language that you are requesting?

**Bob Hart, City Manager** - Yes, Sir.

Mayor Heidemann recessed into Closed Session at 6:10 P.M.

## **CLOSED SESSION**

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above listed agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

**Section 551.071.** (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

- a. **Planned Development conditions and Land Use.**

**Council Met In Executive Session From 6:11 P.M. until 6:57 P.M.**

**Section 551.072.** To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

**a. Lake Sharon Project - Right-of-Way acquisitions.**

**Council Met In Executive Session From 6:11 P.M. until 6:57 P.M.**

**Section 551.074.** To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

**Section 551.087.** To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

**There were no actions necessary on Closed Session items.**

**ADJOURN:**

Mayor Heidemann adjourned the meeting at 6:58 P.M.

Meeting adjourned.

Approved by Council on the 6<sup>th</sup> day of July, 2017.

Kimberly Pence  
Kimberly Pence, City Secretary  
City of Corinth, Texas