

City of Taylor
Regular City Council Meeting
Taylor City Hall, Council Chambers, 400 Porter Street
July 28, 2022 at 6:00 p.m.

Mayor Rydell declared a quorum and called the meeting to order at 6:00 p.m. with the following present:

Mayor Pro-Tem Gerald Anderson
Council Member Robert Garcia
Council Member Mitch Drummond
Council Member Dwayne Ariola
Mayor Brandt Rydell

Brian LaBorde, City Manager
Jeff Jenkins, Deputy City Manager
Mark Schroeder, Assistant City Attorney
Dianna McLean, City Clerk

INVOCATION / MOMENT OF REFLECTION - Father Alberto gave the invocation.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS/RECOGNITIONS

1. **Recognition of Taylor Main Street as a 2022 Accredited Main Street America™ Program by Main Street America and the Texas Main Street Program.**

Jan Harris, Main Street Manager - Taylor Main Street program has been recognized as a 2022 accredited program. Ms. Harris explained the significance of the program and presented a certificate from Main Street America.

CITIZENS COMMUNICATION

Owen Milner, 2304 W. Lake Dr. – asked Council how to get a waiver for a permit not obtained prior to putting up a retaining wall.

Jay Howard, Texas Disposal Systems – expressed an interest in competing for the City's business.

CONSENT AGENDA

2. **Approve minutes from the July 14, 2022 regular City Council meeting, July 19, 2022 special called City Council meeting, and the July 21, 2022 special called City Council meeting.**
3. **Ratify City Manager's re-appointment of Kimberly Hill to the Civil Service Commission.**
4. **Consider changing Civil Service Commissioners term dates.**
5. **Consider Ordinance 2022-24 to amend the FY 2022 Budget.**
6. **Consider Resolution R22-20 approving a Memorandum of (MOU) between the Taylor Independent School District and the Taylor Police Department Concerning the School Resource Officer positions.**
7. **Consider agreement between Williamson County and City of Taylor for use of Community Development Block Grant Coronavirus (CDBG-DV) Funding for Highland Drive waterline replacement and authorize the City Manager or his designee to execute the agreement.**
8. **Consider agreement between Langford Community Management Services and City of Taylor for grant administration services with Community Development Block Grant FY2020 and FY2021 Coronavirus (CDBG-DV) Funding and authorize the City Manager or his designee to execute the agreement.**
9. **Consider approving contract with MVBA for Collection of Municipal Court Fines and Fees.**
10. **Consider approving contract with MVBA for Collection of Delinquent Utility Bills.**
11. **Consider purchase of replacement fire department vehicle.**

Motion was made by Councilmember Garcia to approve the consent agenda items as presented. Motion was seconded by Councilmember Ariola. Motion carried unanimously.

PUBLIC HEARING/ORDINANCES

12. **Introduce Ordinance 2022-29 entitled “Right-of-Way Management” repealing and replacing existing Chapter 25, Article II – Street Cuts of the Code of Ordinances.**
Brian LaBorde, City Manager – this ordinance establishes new right-of-way management standards. Because the City allows multiple franchised utilities and other users to access the City’s right-of-way, it is necessary to establish updated standards governing the use and maintenance of the City’s right-of-way to ensure public safety and proper asset management.

The City Attorney read the caption of the ordinance.

ORDINANCE NO. 2022-29

AN ORDINANCE ENTITLED “RIGHT-OF-WAY MANAGEMENT” OF THE CODE OF ORDINANCES OF THE CITY OF TAYLOR, TEXAS REPEALING THE CURRENT CHAPTER 25 ARTICLE II ENTITLED “STREET CUTS” AND REPLACING IT WITH THE FOLLOWING CHAPTER 25 ARTICLE II ENTITLED “RIGHT-OF-WAY MANAGEMENT” PROVIDING FOR DEFINITIONS, PROVIDING FOR CRIMINAL PENALTIES, PROVIDING FOR AUTHORIZATION, REGISTRATION, COMPENSATION AND FEES; CONSTRUCTION PERMITS; PROVIDING FOR CONSTRUCTION AND MAINTENANCE STANDARDS; PROVIDING FOR PLANS OF RECORD; PROVIDING FOR CONFORMANCE WITH PUBLIC IMPROVEMENTS; PROVIDING FOR IMPROPERLY INSTALLED FACILITIES; PROVIDING FOR RESTORATION OF PROPERTY; PROVIDING FOR REVOCATION OR DENIAL OF PERMIT; PROVIDING FOR APPEAL FROM REVOCATION OR DENIAL OF PERMIT; PROVIDING FOR INSPECTIONS; PROVIDING FOR ABANDONED FACILITIES; PROVIDING THAT UNDERGROUND INSTALLATION IS PREFERRED; PROVIDING FOR AS BUILT MAPS AND RECORDS; PROVIDING FOR COURTESY AND PROPER PERFORMANCE; PROVIDING FOR DRUG POLICY; PROVIDING FOR TREE MAINTENANCE; PROVIDING FOR SIGNAGE; PROVIDING FOR GRAFFITI ABATEMENT; PROVIDING FOR ALTERNATE MEANS OR METHODS; WAIVER; PROVIDING FOR ORDERLY USE OF THE RIGHT-OF-WAY BY MULTIPLE USERS; PROVIDING FOR A DESIGN MANUAL; PROVIDING FOR PROHIBITED OR RESTRICTED AREAS FOR WIRELESS FACILITIES IN THE RIGHT-OF-WAY; PROVIDING FOR PREFERRED LOCATIONS; PROVIDING FOR ORDER OF PREFERENCE REGARDING ATTACHMENT TO EXISTING FACILITIES; PROVIDING FOR PLACEMENT REQUIREMENTS; PROVIDING FOR CAMOUFLAGE REQUIRED

WHEN POSSIBLE; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR ELECTRICAL SUPPLY; PROVIDING FOR INSTALLATION AND INSPECTIONS; PROVIDING FOR REQUIREMENTS IN REGARD TO REMOVAL, REPLACEMENT, MAINTENANCE AND REPAIR; PROVIDING FOR REQUIREMENTS UPON ABANDONMENT; PROVIDING FOR GENERAL PROVISIONS; PROVIDING FOR INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS; PROVIDING FOR DESIGN MANUAL UPDATES; PROVIDING FOR ADMINISTRATIVE HEARING – REQUEST FOR EXEMPTION; PROVIDING FOR FRANCHISE FEES CITY UTILITIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

First reading. No action was taken.

13. **Hold a public hearing and introduce Ordinance 2022-25 regarding a request to amend Ordinances 2019-28 and 2022-14, RCR-Taylor Logistics Park Commercial Planned Development, consisting of approximately 756.00 acres of land, located at 201 FM 3349, more particularly described by Williamson Central Appraisal District Parcels R019173, R019450, R349685, R435559, R435560, R586971, R586972, R586973, R586974, R605658, R605702, R619617, and R621879, part of and out of the Watkins Nobles Survey, Abstract No. 484 and James C. Eaves Survey, Abstract No. 213, Taylor, Williamson County, Texas. Tom Yantis, Development Services Director – In 2019 Council rezoned the RCR Rail Park property to a commercial planned development zoning district. The applicant is proposing changes to the land uses and development standards in the approved planned development as there have been some significant changes since the project began. The Planning and Zoning Commission unanimously recommended approving the requested amendment to the planned development standards.**

Mayor Rydell opened the public hearing at 6:35p.m. With no one appearing, the public hearing was closed at 6:35p.m.

The City Attorney read the caption of the ordinance.

ORDINANCE NO. 2022-25

AN ORDINANCE AMENDING ORDINANCES 2019-28 AND 2022-14 THAT CHANGED THE ZONING OF APPROXIMATELY 756 ACRES OF LAND DESCRIBED IN THIS ORDINANCE FROM SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1) TO GENERAL BUSINESS ZONING DISTRICT WITH A COMMERCIAL PLANNED DEVELOPMENT OVERLAY (B-2/CPD) WHICH IS GENERALLY LOCATED AT 201 FM 3349, IN TAYLOR, WILLIAMSON COUNTY, TEXAS; AMENDING THE OFFICIAL ZONING MAP OF TAYLOR, TEXAS TO SHOW THE ZONING CHANGE SET FORTH IN THIS ORDINANCE; AND PROVIDING A SAVINGS CLAUSE.

First reading. No action was taken.

14. **Hold a public hearing and introduce Ordinance 2022-26 regarding PZ-2022-1413, a change of zoning on approximately 27.89 acres addressed as 1910 CR 452, from Single-Family Residential Zoning District (R-1) to Single-Family Residential Zoning District with a Residential Planned Development Overlay (R-1/RPD).**

Tom Yantis, Development Services Director - The purpose of the re-zoning is to develop a pedestrian-friendly community with a mixture of thoroughfare types, residential lot sizes, and block lengths arranged to respect the existing infrastructural conditions and seamlessly connect with the adjacent neighborhood. The current zoning is intended to be used principally for residential uses, but this tract is surrounded by existing development and infrastructure, which create unique development conditions for the property and have necessitated the incorporation of a planned development. The Planning and Zoning Commission unanimously recommended approval of the Zoning Map Amendment.

Mayor Rydell opened the public hearing at 6:43p.m.

Raymond Hernandez, Old Copeland Rd. – concerned about zoning, water pressure, water drainage, and road upgrades going into the new neighborhood. Also asked if there are any plans to add natural gas lines in his area.

With no one else appearing, the public hearing was closed at 6:47p.m.

The City Attorney read the caption of the ordinance.

ORDINANCE NO. 2022-26

AN ORDINANCE CHANGING THE ZONING ON PROPERTY DESCRIBED AS APPROXIMATELY 27.89 ACRES OF LAND ADDRESSED AS 1910 CR 452, FROM SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1) TO SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT WITH A RESIDENTIAL PLANNED DEVELOPMENT OVERLAY (R-1/RPD), PART OF AND OUT OF THE PARTHINIA COURSEY SURVEY, ABSTRACT NO. 131, TAYLOR, WILLIAMSON COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE.

First reading. No action was taken.

15. **Hold a public hearing and introduce Ordinance 2022-27 regarding a request to amend the Future Land Use Map designation of approximately 75.29 acres of land, addressed as 14501 and 14511 US 79, more particularly described by Williamson Central Appraisal District Parcels R019338, R019992, R020101, and R020102, consisting of Lots 1-14, Block 4 and Lots 1-15, Block 5, John O. Baker Subdivision, part of and out of the H.G. Johnson Survey, Abstract No. 348, Taylor, Williamson County, Texas.**

Tom Yantis, Development Services Director - The subject property is currently identified as Area of Minimal Change and Open Space within the Future Land Use map. The applicant has requested to redesignate the subject property from Area of Minimal Change to Employment Center. The new land use designation would enable the property owner to seek a rezoning to allow for the development of an Industrial use on the property. The Planning and Zoning Commission recommend approval of the proposed amendment.

Mayor Rydell opened the public hearing at 7:03p.m. With no one appearing, the public hearing was closed at 7:03p.m.

The City Attorney read the caption of the ordinance.

ORDINANCE NO. 2022-27

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, AMENDING THE COMPREHENSIVE PLAN AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF AREA OF MINIMAL CHANGE AND OPEN SPACE TO EMPLOYMENT CENTER: REGIONAL AND OPEN SPACE ON APPROXIMATELY 75.29 ACRES OF LAND CONSISTING OF LOTS ONE (1) THROUGH FOURTEEN (14), BLOCK FOUR (4), AND LOTS ONE (1) THROUGH FIFTEEN (15), BLOCK (5), OF THE JOHN O. BAKER SUBDIVISION, PART OF AND OUT OF THE H.G. JOHNSON SURVEY, ABSTRACT NO. 348, TAYLOR, WILLIAMSON COUNTY, TEXAS. PROVIDING FOR THE AMENDMENT OF THE PLAN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A SAVINGS CLAUSE

First reading. No action was taken.

16. **Hold a public hearing and introduce Ordinance 2022-28 regarding a request to amend the designations on the Future Land Use and Growth Sectors Maps for land consisting of approximately 61.54 acres, located north of the end of Rydell Lane and the beginning of CR 398, more particularly described by Williamson Central Appraisal District Parcels R019617 and R406296, part of and out of the Samuel Pharrass Survey Abstract No. 496, Taylor, Williamson County, Texas.**

Tom Yantis, Development Services Director - This ordinance provides for an amendment to the Comprehensive Plan. The applicant plans to develop the subject property as a mixed-use area that would incorporate commercial and residential land uses. The property is located within the City's extra-territorial jurisdiction (ETJ). The Planning and Zoning Commission recommend City Council approve the proposed amendment.

Mayor Rydell opened the public hearing at 7:17p.m.

Larry Robbins – requested Council and staff consider concerns of landowners regarding restrictions on land use.

With no one else appearing, the public hearing was closed at 7:19p.m.

The City Attorney read the caption of the ordinance.

ORDINANCE NO. 2022-28

AN ORDINANCE OF THE CITY OF TAYLOR, TEXAS, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP AND GROWTH SECTORS MAP TO CHANGE THE FUTURE LAND USE DESIGNATION FOR PROPERTY R0196017 FROM AREA OF MINIMAL CHANGE TO A COMBINATION OF NEIGHBORHOOD:

GREENFIELD, MARKET CENTER: COMMUNITY, AND EMPLOYMENT CENTER: COMMUNITY AND TO CHANGE THE GROWTH SECTORS MAP FOR PROPERTY R019617 AND R406296 FROM RESTRICTED GROWTH SECTOR TO INTENDED GROWTH SECTOR ON APPROXIMATELY 61.54 ACRES OF LAND PART OF AND OUT OF THE SAMUEL PHARRASS SURVEY ABSTRACT NO. 496, TAYLOR, WILLIAMSON COUNTY, TEXAS; PROVIDING FOR THE AMENDMENT OF THE PLAN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A SAVINGS CLAUSE

First reading. No action was taken.

REGULAR AGENDA; REVIEW/DISCUSS AND CONSIDER ACTION

17. Update on 2021/2022 Waste Connections Sanitation Program.

John Harris and Chris Kar from Waste Connections provided an update of the Waste Connections Sanitation Program. Council Member Garcia requested a date be set up to discuss commercial recycling.

Motion was made by Councilmember Ariola to receive the Waste Connections Sanitation program update as presented. Motion was seconded by Councilmember Drummond. Motion carried unanimously.

18. Consider Ordinance 2022-30 Authorizing The Issuance Of The City Of Taylor, Texas Limited Tax Note, Series 2022; Approving A Paying Agent/Registrar Agreement, Prescribing The Form Of The Note; Levying An Ad Valorem Tax To Pay The Note; Awarding The Sale Thereof; And Enacting Other Provisions Relating Thereto.

Jeff Jenkins, Deputy City Manager - This ordinance is required to authorize the City to issue the Limited Tax Note, Series 2022. Per Texas Government Code 1201.028, only one reading is required. Funds will be used for improvements to the Doris Roznovak Aquatic Center (formerly the Murphy Park pool). Jennifer Ritter, Specialized Public Finance, discussed the bid presentation. Mark Fowler, Bond Attorney, was also present.

Motion was made by Councilmember Garcia to adopt Ordinance 2022-30 as presented. Motion was seconded by Councilmember Ariola. Motion carried unanimously.

19. Consider approving six-month lease agreement extension with Taylor American Legion in Murphy Park.

Jeff Jenkins, Deputy City Manager - The Taylor American Legion leases property in Murphy Park located at 1310 Sycamore Street, for the building the Legion owns. The lease needs to have an additional temporary six-month renewal while negotiations continue on the longer-term lease.

Councilmember Garcia recused himself from the dais at 7:48p.m. due to him being a member of this American Legion.

Councilmember Ariola stated he too was a member but did not recuse himself due to no financial interest.

Motion was made by Councilmember Drummond to approve the 6-month lease agreement extension with Taylor American Legion as presented. Motion was seconded by Mayor Pro-Tem Anderson. Motion carried 4 to 0.

Mayor Rydell read the executive session items and adjourned into closed session at 7:50p.m.

Executive Session I. The Taylor City Council will conduct a closed executive meeting under Section 551.071 of the Texas Government Code in order to meet with its City Attorney on a matter in which the duty of the Attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas authorize and allow such a closed meeting and which Rules conflict with the Texas Open Meetings Act.

- a) Taylor FM973 LLC, ETJ release petition.
- b) Petition for Services Otherwise Provided by North Fork MUD, Rummel & Rohde

20. Reconvene into open session and take any action.

Mayor Rydell reconvened into open session at 8:48p.m. No action was taken.

ADJOURN

With no further business Mayor Rydell declared the meeting adjourned at 8:48p.m.



Brandt Rydell, Mayor

ATTEST:



Dianna McLean, City Clerk



Sarah A. Sorensen
Assistant Vice President
Senior Legal Counsel
Technology Operations

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July 29, 2022

VIA E-MAIL ONLY

dianna.mclean@taylortx.gov

Re: AT&T's Initial Comments on Proposed Ordinance to replace Chapter 25 Article II of Taylor City Code with a new Chapter 25 entitled "Right-of-Way Management"

Dear Councilmembers:

I write on behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and Southwestern Bell Telephone Company, d/b/a AT&T Texas (collectively AT&T) to notify the city that AT&T has significant issues with the Proposed Ordinance. AT&T appreciates the city's efforts to revise its regulations concerning telecommunications facilities in the right-of-way and welcomes the opportunity to work collaboratively with the City and other interested parties on refinements.

AT&T has been focused on connecting customers for more than 140 years. As technology evolves, we are continuing to make substantial investments in wireless capabilities and fiber to reach more customers with more advanced and faster speed technologies. We know how important it is for our customers to stay connected. That is why we are focused on boosting network reliability and capacity as we expand our network nationwide. This helps residents get the best possible experience over the AT&T network where they live, work and play, as well as supporting first responders on FirstNet. AT&T Fiber provides premium speed, reliability, security, and next gen Wi-Fi for consumers and businesses to enhance their internet experience for applications like video conferencing, virtual learning, smart home devices, telehealth, gaming and more. AT&T made fiber available in more than 300,000 new locations in Texas in 2021, and today, more than 3.9 million customer locations in the state have access to AT&T Fiber. In 2021, AT&T also completed more than 1,000 wireless network upgrades and turned up over 200 new cell sites in Texas. These network improvements will enhance the state's broadband coverage and help give residents, businesses and first responders faster, more reliable service.

However, AT&T is concerned that many of the proposed requirements may add unnecessary costs, add significant delay to provider and City infrastructure projects and have the effect of hindering the rapid deployment of broadband to the citizens of Taylor. As such, AT&T seeks to work with the city to address our concerns. However, in the interest of time, AT&T provides the following brief overview of a couple key legal concepts and specific issues with the Proposed Ordinance:

Key Legal Concepts:

- AT&T Texas has a statewide right to access and construct telecommunications facilities in the public rights-of-way under Chapter 283 of the Texas Local Government Code and Section 181.082 of the Texas Utilities Code.
- The Federal Telecommunications Act of 1996 ("Act") establishes key limitations on local regulations. Under the Act, the city must not prohibit or effectively prohibit telecommunication or wireless services. An effective prohibition in violation of the Act occurs whenever the decision of a local government materially inhibits telecommunications or wireless services.
- The city must act "within a reasonable period of time" on wireless applications both under FCC regulations and Chapter 284 of the Texas Local Government Code.
- The FCC's *Infrastructure Order* established an aesthetic standard for small cells. To be lawful, aesthetic requirements must be reasonable, technically feasible, and published in advance

AT&T's Top Specific Comments:

- **Professional Engineer Seal.** Section 25-23C (8) requires that plans be signed by a Texas Registered Professional Engineer. It is AT&T Texas's business practice to obtain a load analysis prepared by a Texas Registered Professional Engineer when AT&T is hanging a facility on a structure. But AT&T and other telephone companies are not required to engage professional engineers to do telephone construction work (exp., a fiber trench project). The Texas Occupations Code provides an exemption to "[a]n operating telephone company, an affiliate of the company, or an employee of the company or affiliate...with respect to any plan, design, specification, or service that relates strictly to the science and art of telephony." V.T.C.A. OC 1001.061.
- **Maps of existing and future facilities.** Section 25-33 requires users to develop, maintain, and provide the city upon request, as built maps and records. AT&T Texas cannot provide the city with a network map of existing and future sites. A map showing locations of all existing sites is confidential business information that is highly sensitive to network security. AT&T cannot risk disclosure of this information even under protection of a non-disclosure agreement because the information still could be susceptible to disclosure in response to a request for public records. AT&T does not maintain such a map of existing facilities for external use, and it would be expensive and time consuming to produce. Regarding future sites, AT&T

does not maintain a map of potential future sites as its network plans are constantly developing and subject to change based on many variables. This mapping requirement is not reasonable regulation of the right-of-way. Compliance costs alone would result in an effective prohibition in violation of law, if required.

- **Undergrounding preference.** Several provisions in the Proposed Ordinance encourage and mandate undergrounding of equipment. These requirements must be revised to the extent necessary to avoid unlawful discrimination or effectively prohibiting telecommunications and wireless services in violation of the Act. Undergrounding significantly increases deployment costs. Moreover, wireless facilities cannot operate with all equipment underground.
- **Registration.** The registration requirements in Section 25-22 are vague, broad, overly burdensome, and appear to be inconsistent with AT&T's state law rights to access the right-of-way. In addition, the proposed registration violation remedies the city could utilize under the Proposed Ordinance (such as forced removal of facilities) would have significant impacts on public safety and critical infrastructure operation.
- **Railroad crossing permits.** AT&T is not required under case law to get a permit for crossing railroad facilities in public right-of-way. Obtaining such discretionary permissions could delay installations and relocations indefinitely.
- **811 Locate requirements and relocation timeframes.** While ATT appreciates the City's desire to minimize disruption and delay of City projects, the Proposed Ordinance is vague on timeframes and requirements and provides unfettered discretion to the City to determine. AT&T is concerned that this lack of clarity will unnecessarily complicate and delay right-of-way projects for all parties.
- **Imposing aesthetic requirements on utility infrastructure.** As noted above, the FCC's *Infrastructure Order* established an aesthetic standard for small cells. To be lawful, aesthetic requirements must be reasonable, technically feasible, and published in advance. That standard, consistent with Chapter 284 Local Government Code, applies to small cells. Such requirements, however, are unworkable for traditional wireline equipment and should be stricken from the Proposed Ordinance.
- **Waiver of requirements.** Several provisions in the Proposed Ordinance allow the City Manager absolute discretion to waive or modify provisions in the Ordinance. This is vague and could lead to unequal treatment. While AT&T generally supports providing the City Manager discretion to waive or modify provisions in the Ordinance when necessary to avoid the unlawful application of a provision, AT&T reminds the city that under the Telecommunications Act of 1996, state and local governments may not unreasonably discriminate among providers of functionally equivalent services. Similarly, Section 54.204(b) of PURA prohibits discrimination "in favor of or against a certificated telecommunications provider" in "granting consent, a franchise or a permit for the use of a public street, alley, or the right-of-way."

AT&T is committed to working with the City and other parties on the Ordinance and would welcome further discussion. AT&T is also happy to provide a detailed redline of its concerns.

Thank you for considering this letter.

Sincerely,

Sarah Sorensen

Sarah A. Sorensen

July 27, 2022

City of Taylor Texas
City Hall, Council Chambers
400 Porter Street
Taylor, Texas 76574

**Re: Comments of Charter Communications
Revised Chapter 25 Right-of-Way Management Ordinance**

Dear Councilmembers,

I write on behalf of Charter Communications regarding the scheduled first reading of proposed Ordinance 2022-29, amending the City of Taylor's ("City") Right-of-Way Management Ordinance ("Ordinance"). Please include this letter in the record of the Council's meeting on July 28.

As a preliminary matter, Charter is a Video Service Provider as defined by Texas Utilities Code §66.002 and occupies the Right-of-Way ("ROW") pursuant to its Video Service Authorization granted by the Public Utilities Commission (See §66.003). As a result, many of the provisions of the Ordinance are super ceded by our rights as a Video Service Provider under State law. This is recognized generally by the Ordinance and our comments are not intended to cover every aspect of any potential conflicts with State law. We do, however, have several specific concerns with the Ordinance and its application to Charter. We are also aware of comments filed by both Oncor and ATT and are supportive of the concerns raised by both companies. The following are a summary of the items raised in Charter's markup of the draft Ordinance previously provided to the City.

§25-23(C)(8) requires a Professional Engineer stamp unless otherwise approved by the City Manager. Charter does not employ PE's. The requirement for a PE is unduly burdensome, will raise project costs and delay projects. Charter appreciates the discretion provided to the City Manager, but would request that this requirement be deleted or that a waiver be provided for Video Service Providers.

§25-27(A)(3) requires the placement of 3x3 signs in the ROW identifying the ROW user performing the work 48 hours in advance of any work in the ROW (permitted or unpermitted). This requirement is unduly burdensome and impractical given the nature of much of the work performed by Charter, specifically for unpermitted work which by its nature takes place without prior notice to the City. Charter's employees and contractors working in the ROW operate from well-marked vehicles identifying them as representatives of Charter. Charter would suggest that the requirement for advance placement of signs be waived completely or at a minimum for unpermitted or emergency work.

§25-27(A)(8) requires notice to the City of any damages to utilities (either private or City owned). Charter would propose that this requirement be limited to damage to City

facilities only. Charter questions the need for City notice of damage to a facility which it does not own. Charter has a good working relationship with other ROW users and is in constant contact with them regarding work in the ROW. Specifically, Charter notifies other ROW users of damages to their facilities and is already required to do so pursuant to Texas 811 Rules.

§25-27(A)(13) limits working hours in the ROW to 9-4 Monday through Friday and requires advance notice for any work after that time frame. Charter performs the vast majority of its routine maintenance in an overnight window. Overnight maintenance is the most efficient because it provides the least amount of disruption for our customers who are most actively using our services during the day. Further, our regular customer service appointment window starts as early as 8am and ends as late as 7pm and includes weekends. Prohibiting work outside the 9-4 Monday through Friday time frame would unfairly burden our customers and likely drive complaints to the City. Charter would request that this limitation be deleted.

§25-24 and §25-33 among others require plans of record or maps of a ROW users facilities located in the ROW. Charter would request that the City settle on one standard and section with regard to this requirement and consolidate the varying sections which require a map. Further, as a Video Service Provider, Charter is limited in the type of maps that can be provided to the City by §66.011(a)(2) and will comply only to that extent.

In sum, Charter requests that the City take into consideration the items raised above as well as the concerns raised by Oncor and ATT. Alternatively, Charter requests that the City defer the item to allow time to make revisions in consultation with the affected parties. Charter reserves all of its rights to contest the enforceability of any or all sections of the proposed ordinance at any time.

Charter looks forward to working constructively with the City on these issues. Please feel free to contact me with any questions.

Sincerely,

Julia Zinsmeister
Director, State Government Affairs

Cc: Michael Zarrilli, Vice President Associate General Counsel