



**NOTICE OF TOWN COUNCIL MEETING FOR THE TOWN OF CROSS ROADS
MONDAY, JUNE 7, 2021 AT 7:00 P.M.**

**LOCATION: VIRTUAL and IN PERSON at
1401 FM 424, CROSSROADS, TEXAS 76227**

Or

Join Zoom Meeting

<https://us02web.zoom.us/j/89221733013>

Meeting ID: 892 2173 3013

One tap mobile

+13462487799,,89221733013# US (Houston)

1. Roll Call
2. Invocation – Karen Black
3. Pledge of Allegiance
4. Council Member Announcements and Updates.
5. Mayor Announcements and Updates.
6. Committee and Commissions Announcements and Updates.
7. Citizens Input (Items on the agenda and not on the agenda)
If commenting via Zoom, please use the Raise Your Hand feature. Please state your full name before speaking. Please limit your comments to three minutes in duration. You are restricted from passing your time or any portion of unused minutes to another citizen for comment.
8. Updates; Discussion of Same.
 - Town Administrator Announcements and Updates – Kristi Gilbert
 - Building Permits and Development
 - Finance Director – Susan Zambrano
 - Law Enforcement – Chief Edland
9. Receive a presentation and consider the hiring process for the Cross Roads Police Chief.
10. Discuss and consider an appeal to a civil penalty in the amount of \$53,550 assessed on Mr. Margarito Espinoza and Imperial Products Supply, LLC. For removing protected trees without a permit on property located at 8801 E US 380.
11. Discuss and consider approval of a resolution designating signatories for the Town of Cross Roads and authorizing the creation of a new Special Projects Account.
12. Discuss and consider approval of a resolution establishing a Purchasing Policy for the Town of Cross Roads.
13. Discuss and consider a request by Sharon Baca, the Connectivity Committee and NextLink to construct and maintain a fiber tower on property owned by the Town of Cross Roads located at 1404 FM 424.

14. Discuss and consider the FY 2021 Budget and Council priorities for the FY 2022 Proposed Budget including staffing needs.
15. Discuss and consider the minutes from the May 17, 2021 Regular Council Meeting.
16. The Town Council will convene into Executive Session pursuant to the following:
 - a. Texas Government Code, Section 551.071 (Consultation with Town Attorney) to consult and receive legal advice from the Town Attorney relating to
 1. The Northeast Police Department Interlocal Agreement with the City of Krugerville and associated items; and
 2. The Texas Open Meetings Act
 - b. Texas Government Code, Section 551.072 - Deliberation Regarding Real Property; 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.
 - c. Texas Government Code, Section 551.074 (Personnel) to deliberate the appointment, employment, evaluation, resignation and duties of:
 1. Town Administrator
 2. Cross Roads Police Chief
17. Take action as may be necessary or appropriate on matters discussed in Executive session.
18. Staff Update on Current Projects.
19. Council requests for future agenda items.

Adjourn

Future Events and Meetings

All citizens are invited to participate; schedule may change.

- *Community Visioning Event – Wednesday, June 9th, 2021 at 6:00 p.m.*
- *Municipal Development District Meeting – June 10th, 2021 at 7:00 p.m.*
- *Northeast Police Commission Meeting – Thursday, June 17th, 2021 at 7:00 p.m.*
- *Town Council Meeting – Monday, June 21st, 2021 at 7:00 p.m.*
- *Town Council Work Session – Tuesday, July 6th, 2021 at 7:00 p.m.*

CERTIFICATION

I, the undersigned authority, do hereby certify that this Public Meeting Notice was posted on the official bulletin board at the Town Hall of the Town of Cross Roads, Texas on or before Friday, June 4th, 2021 at 5:00 p.m., in accordance with Chapter 551, Texas Government Code.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for seeking confidential legal advice from the Town Attorney on any agenda item listed herein.

This facility is wheelchair accessible and accessible parking spaces are available. For requests, please contact Town Hall at 940-365-9693. Reasonable accommodations will be made to assist your needs. This facility is wheelchair accessible and accessible parking spaces are available.

Donna Butler
Town Secretary

I certify that the attached notice and agenda of items to be considered by the Town Council of the Town of Cross Roads was removed by me from the front window of the Town of Cross Roads Town Hall, 1401 FM 424, Cross Roads, Texas, on the _____ day of _____, 2021.

_____, Title: _____



COUNCIL AGENDA BRIEFING SHEET

Meeting Date:

June 7, 2021

Agenda Item:

Receive a presentation and consider the hiring process for the Cross Roads Police Chief.

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

The Town has hired Max Westbrook Consulting to provide services related to Texas Commission on Law Enforcement (TCOLE) licensing as well as the Police Chief search process.

The posting for Police Chief is scheduled to close on Sunday, June 13th. Staff has held numerous discussions with Mr. Westbrook and Mr. Bruce Mills on interview and assessment procedures, as well as opportunities to interact with the Cross Roads community. Mr. Westbrook and Mr. Mills will present information on the proposed schedule and interview process for the position of Police Chief as discussed with Staff.

Recommended Action:

Staff recommends proceeding forward with the interview process as provided by the consultants.

Attachments:

None.



COUNCIL AGENDA BRIEFING SHEET

Meeting Date:

June 7 2021

Agenda Item:

Discuss and consider an appeal to a civil penalty in the amount of \$53,550 assessed on Mr. Margarito Espinoza and Imperial Products Supply, LLC. For removing protected trees without a permit on property located at 8801 E US 380.

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

This item was tabled at the May 17, 2021 Council Meeting for further discussion and consider at the June 7, 2021 Meeting. Mayor Pro Tem Meek and Council Member White-Stevens visited the site on May 18, 2021. Photographs taken by Council Member White-Stevens are attached. The arborist that conducted the inspection will be available via Zoom to answer any questions from the Town Council.

On March 9, 2021, staff drove by the above referenced address (Parcel IDs 38339, 121912, 178717, 38337 and 77737) and noticed several trees had been cut down and crews were still on the site. Jason Pool and Rodney Patterson made contact with Marco Espinosa and advised that all activity needed to stop immediately. The Town reached out to TreeNewal, a certified arborist, to determine the type and size of trees that were removed illegally. The report is attached for your reference.

Section 3.08.014 (a) of the Code of Ordinances provides for a civil penalty of not less than one hundred (\$100) nor more than one thousand (\$1,000) for each caliper inch of protected tree cut, removed or destroyed. In accordance with the referenced section, the Mayor determined the fine to be as listed below. Larger trees were assessed a larger penalty per caliper inch. The Code provides for individuals to appeal the assessment to the Town Council. The property owners have submitted an appeal through their representative, Travis D. Weitzel. Their appeal includes information disputing the findings of the arborist with TreeNewal. Staff forwarded the disputes to TreeNewal who responded in the attached email.

Tree Type	Measured at*	Tree Size	Penalty per inch	Penalty
Cedar Elm	12"	16.5"	\$ 350	\$ 5,775
Ash	48"	42.5"	\$ 750	\$ 31,875
American Elm	48"	30"	\$ 450	\$ 13,500
Bur Oak	17"	12"	\$ 200	\$ 2,400
TOTAL PENALTY				\$ 53,550

*According to Town regulations, trees are measured at 54"



COUNCIL AGENDA BRIEFING SHEET

Recommended Action:

Council has the discretion to decrease the amount assessed by the Mayor.

Attachments:

TreeNewal's Response to Property Owner (4/13/21)
Appeal Letter and Email from Owner's Representative (4/9/21)
Notice to Property Owner with Attachments (3/22/21)
Original Letter from Imperial Products Supply (3/15/21)
Cease and Desist Letter (3/9/21)
Photos by Council Member White-Stevens (5/18/21)

From: Bud Reid [REDACTED]
Subject: Re: TreeNewa Report - Town of Cross Roads - 8801US-380 - Cross Roads
Date: Apr 13, 2021 at 8:05 AM
To: Stacy Ray [REDACTED]
Cc: Kr.st G bert k.g bert@crossroadstx.gov



I forgot about the Miltistem, ISA guidelines don't apply in this case. I would refer you to the City of Cross Roads guidelines for measuring Multistem trees.

On Mon, Apr 12, 2021 at 8:34 PM Bud Reid [REDACTED] wrote:

First in question is the (Cedar Elm)

The shoot Growth was not present when I was on site, but after seeing the shoot growth it actually appears to be a Pear not a Mulberry.

Second in question is that you state that I identified a Ash tree as a Texas Ash please reread the letter I sent. that will also clear up the part where you claim that I stated that I measured the Burr oak at 17 feet. That isnt what is stated in the letter. The measurements you have provided are all incorrect as that tape in the picture isn't a DBH tape and they aren't even using the tape correctly.

Third in question is the is (American Elm) after reviewing the pictures that tree could be a Mulberry.

I was not asked to give any assessment as to the health of said trees as they were no longer trees and just stumps. The time had past for a assessment of health of trees.

On Mon, Apr 12, 2021 at 5:16 PM Stacy Ray [REDACTED] wrote:

Hi Kristi,
Bud will review and get back to you on this.

Stacy

On Mon, Apr 12, 2021 at 4:12 PM Kristi Gilbert <k.gilbert@crossroadstx.gov> wrote:

Good Afternoon Stacy and Bud,

Attached is a letter we received from attorneys representing the owners of 8801 US 380. I was wondering if you could provide any input on some of the statements made in the letter.

Please let me know if you have questions.

Kristi Gilbert
Interim Town Administrator
Town of Cross Roads
k.gilbert@crossroadstx.gov
Ofc: 940.365.9693
Cell: 940.218.4241

ATTENTION: Please note any correspondence, such as e-mail or letters, sent to Town Staff or Town Officials may become a public record and made available for Public/Media review.

PUBLIC OFFICIALS: A "Reply to All" of this e-mail may lead to violations of the Texas Open Meetings Act. Please reply only to the sender.

On Mar 16, 2021, at 12:33 PM, Stacy Ray [REDACTED] wrote:

Hi Kristi,
Thank you for your patience, attached is the final report regarding trees at the 8801 US-380 site. Please don't hesitate if you have any questions.

Your invoice was already sent to you March 10th for payment.

Thank you

Sincerely,

Stacy Ray

Operations & Customer Experience Manager

TreeNewal, LLC
1712 FM 407 Argyle, TX 76226
([REDACTED]) | cell
[REDACTED] | email

<https://www.youtube.com/watch?v=ynK46hLuuFA&authuser=0>



www.TreeNewal.com

<[TreeNewal Final Report - Town of Cross Roads - 8801 US-380 - Cross Roads.pdf](#)>

From: Terri Rose terri.rose@travisweitzel.com 
Subject: FW: Appeal -- 8801 US Highway 380 Unpermitted Tree Removal
Date: April 9, 2021 at 10:21 PM
To: k.gilbert@crossroadstx.gov



Ms. Gilbert:

I thought I sent you a copy of this earlier today but discovered it was returned to me because had a typo in your email address.

Thank you.

Terri

From: Terri Rose
Sent: Friday, April 9, 2021 3:11 PM
To: l.tompkins@crossroadstx.gov; k.glibert@crossroadstx.gov
Cc: 'Margarito' <margarito@lmslonestar.com>; Juan Diosdado <juan@imperialprosupply.com>; Yarit Tovar <yarit@stonebrothers.net>; Travis D. Weitzel <travis.weitzel@travisweitzel.com>; Shauna Gola <shauna.gola@travisweitzel.com>
Subject: Appeal -- 8801 US Highway 380 Unpermitted Tree Removal

Mayor Tompkins and Ms. Gilbert:

Attached please find the appeal of Margarito Espinoza and Imperial Products Supply, LLC relating to fines imposed for unpermitted tree removal at 8801 US Highway 380, Cross Roads, Texas. This appeal of the fines assessed is made pursuant to Article 3.08.014. Please acknowledge your receipt of this appeal.

If you have any questions or require any additional information, please do not hesitate to call upon us.

Thank you.

Terri Rose

Terri Rose
Board Certified Paralegal—Civil Trial Law
Texas Board of Legal Specialization
Travis Weitzel Law Firm
P.O. Box 1163
800 Highway 290 West, Suite D600
Dripping Springs, Texas 78620
(512) 640-2246 Main

(512) 649-2340 Direct Dial
(512) 649-1190 Direct Dial
(512) 649-2356 FAX

*******PLEASE NOTE OUR NEW MAILING ADDRESS.*******

****I DO NOT ACCEPT ELECTRONIC SERVICE AT THIS E-MAIL ADDRESS****
****FOR ELECTRONIC SERVICE, PLEASE USE eservice@travisweitzel.com****
****FOR SCHEDULING, PLEASE CONTACT shauna.gola@travisweitzel.com****

Note: The attorneys and staff in our office are actively working in a remote capacity but our physical office location is currently closed. Please refrain from sending paper mail as it will not be monitored while our office is closed. Instead direct all communication to me at this email address. Thank you for your understanding and courtesy

CONFIDENTIALITY NOTICE: This e-mail transmission (and/or the attachments accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. Any unauthorized interception of this transmission is illegal. If you have received this transmission in error, please promptly notify the sender by reply e-mail, and then destroy all copies of the transmission.



2021.04.09
Appeal...its.pdf

Travis Weitzel



Law Firm

ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 1163 | 800 WEST HWY 290, SUITE D-600
DRIPPING SPRINGS, TEXAS 78620

TELEPHONE: (512) 649-2346
FACSIMILE: (512) 649-2356

April 9, 2021

Travis D. Weitzel
e-mail: travis@travisweitzel.com
Direct Dial: (512) 649-1215

VIA EMAIL: l.tompkins@crossroadstx.gov

Mayor T. Lynn Tomkins, Jr.
Town of Cross Roads
1401 RM 424
Cross Roads, Texas 76227

VIA EMAIL: k.gilbert@crossroadstx.gov

Kristi Gilbert
Interim Town Administrator
Town of Cross Roads
1401 RM 424
Cross Roads, Texas 76227

Re: Unpermitted Tree Removal at 8801 E. US Highway 380, Cross Roads, Texas

Dear Mayor Tomkins and Ms. Gilbert:

Our firm represents Mr. Margarito Espinoza, the owner of the real property located at 8801 E. US Highway 380, as well as Imperial Products Supply, LLC. Mr. Espinoza acquired the real property located at 8801 E. US Highway 380 in late January, 2021. Mr. Espinoza was unaware of the City's tree ordinance until the site was visited by City employees on March 13, 2021; however, the ordinance should not apply to certain species as detailed herein.

Accordingly, this letter serves as Mr. Espinoza's appeal of the fines imposed upon him for the alleged violations of Section 3.08.014(a) of the Code of Ordinances. Ms. Gilbert's March 22, 2021, letter references five (5) trees which I will address in order as they appear in her letter.

Tree Incorrectly Labeled as a 16.5-inch Diameter Cedar Elm at 12-foot Height:

This tree was incorrectly identified a Cedar Elm. Indeed, your arborist conceded that cedar elm was his "best guess." Attached are photos of the tree in question. This is a Mulberry tree, more specifically, comprised of multi trunk branch sucker growth. A stump is present and this sucker growth grew from the stump. Mulberry trees are an invasive species that displace desirable native

trees and vegetation, are susceptible to disease and are weak creating a hazard for the property owner, particular following the snow/ice storm in February 2021. This tree had numerous broken large branches following the February 2021 snow/ice storm. As a retail operation open to the public, Mr. Espinoza's utmost concern is for the safety of the public while on the property. Finally, although not specifically identified in the City's ordinance as an exception to a protected tree, most certified Texas ISA arborists agree that a Mulberry tree is a "trash" tree and is in the same category as hackberry and chinaberry trees (which are not considered a protected tree). As such, Mr. Espinoza and Imperial Products do not believe a penalty of \$5,775.00 is appropriate for this particular tree and that no penalty should be assessed for this tree.

Tree Incorrectly Labeled as 42.5-inch Texas Ash Tree at DBH:

Similarly, this tree was incorrectly identified as a Texas Ash. This is an Arizona Ash. This tree had a number of irregularities and flare-outs. We dispute the DBH as there were a number of unions and flares that do not represent the actual DBH. At approximately 18 inches, just above the root flare, the diameter of the tree was measured at 35 inches. According to ISA standards, a DBH should not be more than that of the measurement immediately about the root flare.

At best, an Arizona Ash has a life expectancy of 20 to 30 years when well-maintained and has good structural integrity. Unfortunately, this tree was not well-maintained, had substantial areas of rot and bad unions and suffered significant damage (at least 2 of the major branches were broken) by the February snow/ice storm. Attached are photos of the tree showing the substantial areas of rot and breakage caused in the storm. A weakened Arizona Ash may only live for 15 to 20 years and it is clear this tree was nearing the end of its life span even before the February snow/ice storm. Further, many ISA certified arborists consider an Arizona Ash to be an inferior tree and should not be considered a protected tree. Many cities and municipalities in Texas do not include the Arizona Ash in the protected tree category. As such, Mr. Espinoza and Imperial Products do not believe a penalty of \$31,875.00 is appropriate for this particular tree and a penalty of no more than \$1,750.00 be assessed for this tree.

Tree Incorrectly Labeled as 30-inch American Elm at DBH:

Similarly to the other trees, this tree was incorrectly identified as an American Elm. This is another Mulberry tree. Attached are photos of the tree. As the photos show, three (3) of the four (4) main leaders of the tree broke off in past years leaving the remaining portion of the tree with obvious and significant dead and rot. This tree was nearly 70% to 80% dead before the February snow/ice storm and had little, if any, chance of recovery. As such, Mr. Espinoza and Imperial Products do not believe a penalty of \$13,500.00 is appropriate for this particular tree and that no penalty should be assessed for this tree.

12-inch Burr Oak measured at a height of 17-feet:

We agree that this tree was correctly identified; however, we disagree as to the DBH. Two logs were recovered on site and stacked on the existing stump allowing for a correct DBH measurement. The DBH measured 10.5 inches. Mr. Espinoza disputes the amount assessed and believes the correct amount should be \$2,100.00

The tree cutting done by Mr. Espinoza was in direct response to the damage to the trees from the unprecedented February 2021 snow/ice storm that plagued all of Texas. Indeed, the snow/ice storm and its aftermath were severe enough for both Governor Abbott and President Biden to declare all of Texas as a major disaster and declare a state of emergency. I am quite sure Mr. Espinoza's property was not the only property with extensively damaged trees. Like all property owners, Mr. Espinoza only wanted to ensure his property would be safe for the public.

I respectfully request that this matter be scheduled for a hearing and that upon hearing, the town council modify the penalties assessed against Mr. Espinoza and Imperial Products. Please contact my assistant, Shauna Gola to schedule this matter.

If you have any questions or wish to discuss this matter further, please do not hesitate to call upon me. I look forward to working with the City to secure a prompt, fair and equitable resolution of this matter.

Very truly yours,

TRAVIS WEITZEL LAW FIRM

By: _____


Travis D. Weitzel

**ATTORNEY FOR APPELLEES
MARGARITO ESPINOZA AND
IMPERIAL PRODUCTS SUPPLY, LLC**

TW:tlr

MULBERRY TREE
INCORRECTLY
IDENTIFIED AS
CEDAR ELM





ARIZONA ASH
INCORRECTLY
IDENTIFIED AS
TEXAS ASH









MULBERRY TREE
INCORRECTLY
IDENTIFIED AS
AMERICAN ELM



BURR OAK





Town of Cross Roads
 1401 FM 424
 Cross Roads, Texas 76227
 940-365-9693 office | 469-375-5905 fax
crossroadstx.gov

Mayor and Council

T. Lynn Tompkins Jr.
 Mayor

Bobby Phillips
 Mayor Pro-Tem

Dave Meek
 Council member

Wendy White-Stevens
 Council member

Duke Roberson
 Council member

Greg Gaalema
 Council member

Staff

Kristi Gilbert
 Interim
 Town Administrator

Donna Butler
 Town Secretary

Susan Zambrano
 Director of Finance

Rodney Patterson
 Building Official

March 22, 2021

Imperial Pro Supply
 PO Box 177
 Aubrey, TX 76227-9997

Via Email to:
 Juan Diosdado, Imperial Property Supply via email: juan@imperialprosupply.com
 Margarito Espinoza, LMS Lone Star via email: margarito@lmslonestar.com

RE: Unpermitted Tree Removal at 8801 E US Hwy 380

On March 9, 2021, staff drove by the above referenced address (Parcel IDs 38339, 121912, 178717, 38337 and 77737) and noticed several trees had been cut down and crews were still on the site. Jason Pool and Rodney Patterson made contact with Marco Espinosa and advised that all activity needed to stop immediately. The Town reached out to TreeNewal, a certified arborist, to determine the type and size of trees that were removed illegally. The report is attached for your reference.

Section 3.08.014 (a) of the Code of Ordinances, also attached for reference, provides for a civil penalty of not less than one hundred (\$100) nor more than one thousand (\$1,000) for each caliper inch of protected tree cut, removed or destroyed. In accordance with the referenced section, the Mayor has determined the fine to be as listed below, after consideration of the danger of repetition the severity of the offense and all relevant circumstances. You have twenty (20) days after receipt of this notice to request an appeal to the Town Council of the Mayor's assessment. Said notice of appeal must be timely and shall state the basis of the appeal in plain and intelligible language.

Tree Type	Measured at*	Tree Size	Penalty per inch	Penalty
Cedar Elm	12"	16.5"	\$ 350	\$ 5,775
Ash	48"	42.5"	\$ 750	\$ 31,875
American Elm	48"	30"	\$ 450	\$ 13,500
Bur Oak	17"	12"	\$ 200	\$ 2,400

TOTAL PENALTY \$ 53,550

*According to Town regulations, trees are measured at 54"

Payment must be made before the Town issues any permits or a Certificate of Occupancy for this property. If you need to set up a payment plan, please let me

know. If you have any additional questions concerning the Towns requirements, please feel free to contact me at (940)365-9693.

Sincerely,

A handwritten signature in blue ink that reads "Kristi Gilbert". The signature is written in a cursive style and is positioned above the printed name.

Kristi Gilbert
Interim Town Administrator

CC:

Rodney Patterson
Jason Pool
Mayor Tompkins

Enclosures:

TreeNewal Final Report
Article 3.08 Tree Preservation and Protection



1712 FM 407, Argyle, TX 76226
817.329.2450
www.TreeNewal.com

TREENEWAL FINAL REPORT

Prepared For: Town of Cross Roads / Kristi Gilbert

Site Location: 8801 US-380, Cross Roads, TX 76227

There were a total of 9 trees removed, one of which I had a difficult time identifying. I will indicate the trees in question and give my best guess, (based on what was left behind) as to what they are. Some of the trees were cut below the 4 foot mark to get proper DBH, these trees I will list how high I was able to get a measurement in Inches from the ground.

Starting directly opposite from the gate working clock wise.

2 each Chinaberry 14 inch DBH and 21 inch DBH

1 Willow 18 inch measured 24 inches from the ground

1 multi stem 16.5 Cedar Elm measured 12 inches from the ground. This is the trees I had a hard time identifying. Cedar Elm is my best guess.

1 Hackberry 18.5 inch measured 12 inches from the ground

1 Ash 42.5 inch DBH

1 American Elm 20 inch DBH

1 Hackberry 20 inch measured 18 inches from the ground

1 Bur Oak 12 inch measured 17 inches from the ground

If you have any questions please contact me at (817) 832 9302.

Bud Reid

ISA Certified Arborist

TreeNewal





ARTICLE 3.08 TREE PRESERVATION AND PROTECTION



Sec. 3.08.001 Scope and purpose

- (a) This article shall be effective within the geographical limits of the town, including any areas subsequently annexed by the town.
- (b) The purpose of this article is to encourage the preservation of trees that once removed can be replaced only after generations, to preserve protected trees during construction and to control the removal of protected trees when necessary. It is the intent of this article to achieve the following:
- (1) Prohibit the indiscriminate clearing of property.
 - (2) Protect and increase the value of residential and commercial properties within the town.
 - (3) Maintain and enhance a positive image for the attraction of new business enterprises to the town.
 - (4) Protect healthy quality trees and promote the natural ecological environmental and aesthetic qualities of the town.
 - (5) Help provide needed shaded areas in order to provide relief from the heat by reducing the ambient temperature.
 - (6) Help prevent erosion.



Sec. 3.08.002 Definitions

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them:

Building pad site, commercial. The area proposed by the original subdivider for placement of a commercial structure. If not designated by the original subdivider, this shall include the actual structure and the area within fifteen (15) feet surrounding the structure.

Building pad site, residential. The area proposed by the original subdivider for placement of a residential structure. If not designated by the original subdivider, this shall include the actual structure and the area within fifteen (15) feet surrounding the structure. If actual structure plans are not available, an area not to exceed 4,000 square feet may be designated.

Clear-cutting. The removal of all of the trees or a significant majority of the trees within an area of land.

Critical root zone. The area of native soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line (Figure 2 on file in the office of the town secretary).

DBH or diameter at breast height. The diameter, in inches, of a tree as measured through the main trunk at a point four and one-half feet (4.5') above the natural grade. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half (1/2) of the diameter of each additional trunk.

Drip line. The periphery of the area encompassing a tree determined by dropping imaginary vertical lines from the outermost portion of its canopy to the ground.

Grade change. Any changes in ground level or soil compaction within an area around or near the trunk of a tree that may adversely affect the health of the tree.

Limits of construction. Delineation on the site plan defining the areas within which all construction activity may occur.

Mayor. The mayor of the town and/or his designee.

Person. Any person, corporation, partnership, firm, association or artificial entity, or any agent or employee of the foregoing.

Protective fencing. A barrier from entry, constructed from chain link, orange plastic, or other similar material at a minimum height of four feet (4') above ground level, restricting access to a tree protection zone.

Tree. Any living, self-supporting, woody perennial plant which at maturity will attain a trunk diameter of two inches (2") or more when measured at DBH and which will typically attain at maturity a height of at least fifteen feet (15').

(Ordinance 2013-0715-01 adopted 7/15/13)

Tree, protected. Any tree having a DBH of six inches (6") or more, except any of the following species: mesquite, thorny honey locust, cottonwood, willow trees, hackberry, eastern red cedar, sweet gum, Texas persimmon, and chinaberry. (Ordinance 2018-0917-03 adopted 9/17/18)

Tree, replacement. A tree as listed in the approved tree replacement ([section 3.08.015](#)) that has a minimum caliper required by this article and a minimum height of seven feet (7'), measured at ground level (natural grade) at the time of planting.



Sec. 3.08.003 Applicability

The terms and provisions of this article apply to all property in the territorial limits of the town unless excepted herein. This article shall apply to all persons, including property owners, managers, trustees, and those persons who have control or responsibility over real property.



Sec. 3.08.004 Exceptions

(a) This article shall not apply to trees located in the yard area within the 3 acres surrounding a constructed primary dwelling of developed residential property. However, in the event that a protected tree is cut, removed or damaged from property described in this subsection and the property is transferred to or used for any purpose other than single-family residential within one

(1) year following the cutting, removal or damaging of the protected tree, then the provisions of [section 3.08.011](#) of this article shall, immediately upon the cessation of use as single-family residential property, apply to the protected trees cut, removed or damaged in the prior one (1) year period.

(b) Nothing herein contained shall require any change in the plans, construction or designated use of any parcel of property for which a permit for construction has been issued, as of the effective date of this article.

(c) During the period of an emergency, such as a tornado, storm, flood or other natural disaster, the requirements of this article may be waived as deemed necessary by the mayor or his designee.

(1) In addition to rights granted by easement, utility service providers lawfully within the right-of-way may remove trees during the period of an emergency that are determined by the provider to be a danger to public safety and welfare by interfering with utility service.

(2) The town may clear streets and public rights-of-way of damaged or fallen trees, tree limbs, or other debris as needed as a result of a storm event.

(d) In the installation or maintenance of facilities, utility service providers, including the town, or their contractors, agents, successors and assigns shall have the right to trim or remove trees so as to prevent any part of such trees from becoming a danger to public health, safety and welfare by interfering with utility service. Trimming shall be done in a manner such that the aesthetics and health of the trees are not destroyed. Existing trees already growing into utility lines shall be trimmed as necessary. The town may require boring under trees within the critical root zone area instead of trenching.

(e) In the installation or maintenance of drainage facilities, creek channel lining, or erosion control measures, the town, or its contractors, agents, successors and assigns shall have the right to trim or remove trees so as to prevent any part of such trees from becoming a danger to public health, safety and welfare by interfering with said drainage improvements. The town may require boring under trees within the critical root zone area instead of trenching.

(f) Diseased or damaged protected trees which are beyond the point of recovery, as determined by a International Society of Arboriculture certified town arborist, or in danger of falling shall be exempt from the tree replacement and preservation plan requirements of this article. A tree removal permit shall be required but no permit fee shall be assessed or charged. In the case of code enforcement action, the notice of violation and description of the action to be taken shall serve as the permit to commence work. The removal of a diseased tree may be required to reduce the chance of spreading the disease to adjacent, healthy trees.

(g) Plant nurseries shall be exempt from the provisions of this article only in relation to those trees planted and growing on the premises for sale, either retail or wholesale.

(h) Any paved surface within the critical root zone of a protected tree that is in existence on or before the effective date of this article may be replaced or maintained.

(i) Seven percent (7%) of the total caliper inches of all protected trees situated on property used for residential or agricultural purposes, but not in the commercial designated corridors, may be

removed per year. The maximum in any consecutive five-year period shall be twenty-one (21%) of the total caliper inches of all protected trees. Trees situated on the exempted three-acre area surrounding the primary dwelling under subsection (a) of this article shall not be used in or subject to this calculation. A tree removal permit shall be submitted and approved before any such removal is begun. No fee will be assessed or charged for the permit.

(j) Notwithstanding the foregoing, no person shall remove a protected tree with a DBH of 18 inches or more without approval of the town council.



Sec. 3.08.005 Tree preservation and protection

(a) No person shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree, directly or indirectly, regardless of whether the protected tree is on private property or the abutting public right-of-way, unless exempt or excepted under the provisions of this article. No person shall remove a protected tree with a DBH of 18 inches or more without approval of the town council.

(b) The town may issue a stop-work order for any development or construction project or activity at any time if the requirements of this article are not being met. Efforts will be made to allow a developer or builder to comply before the project is shut down.

(c) No clear-cutting of land is allowed. Prior to the removal of any protected tree, regardless of construction or development schedule, a tree preservation plan must be submitted to and approved by the town.

(d) Prior to construction or development of a commercial or residential subdivision project on a site that contains one (1) or more trees, a tree preservation plan must be submitted to and approved by the town. If the site does not contain any protected trees, a letter, prepared by a registered surveyor, engineer, architect, landscape architect, or International Society of Arboriculture certified arborist shall be submitted to the town which verifies that protected trees are not on the subject site.

(e) The tree preservation plan submittal shall be accompanied by a site plan that includes but is not limited to the following:

- (1) Delineation of site boundaries.
- (2) Location of all existing or proposed structures and of all improvements such as streets, drives, alleys, septic systems, building pad sites, and easements.
- (3) Tree location map. All requests for tree removal permits must be accompanied by a map showing at a minimum the requirements as listed below.
- (4) Map requirements. Maps shall show: the location of all buildings, structures, pools, utilities, other improvements intended on the lot and limits of construction line shown if applicable; the location of all protected trees; the location of tree(s) to be removed and replacement trees with dimensions from two nearest property lines; the caliper and common name of trees to be removed and any required replacement trees shown with caliper size and the common name of tree.

(5) The reason for the proposed tree removal shall be summarized on legend form on the plan. The same summary shall also be submitted on a legible 8.5" x 11" document.



Sec. 3.08.006 Protection of trees

Protected trees that are not to be removed or have been identified on the tree preservation plan to be preserved must be protected under the following conditions:

- (1) No materials intended for use in construction or waste materials accumulated due to excavation or demolition shall be placed within the limits of the critical root zone.
- (2) No equipment shall be cleaned or other foreign materials deposited or allowed to flow overland within the critical root zone of a protected tree. This includes, without limitation, paint, oil, solvents, asphalt, concrete, mortar or similar materials.
- (3) No signs, wires or other objects, other than those of a protective nature, shall be attached to any protected tree. However, lighting of a decorative nature may be attached to a protected tree so long as the lighting is attached in a manner so as not to damage the protected tree.
- (4) Construction traffic or parking shall be limited so as to avoid taking place within the limits of the critical root zone of any protected tree other than on an existing paved surface. This restriction does not apply to access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service, or routine mowing operations, however, these activities should be conducted in such a manner as to minimize the impact on the protected tree.
- (5) No grading or grade changes shall be conducted or allowed within the limits of the critical root zone of any protected tree unless required for structural integrity of buildings or improvements on approved building sites.
- (6) No paving with asphalt, concrete or other impervious materials shall be placed within the critical root zone of a protected tree. However, paving may encroach within the critical root zone of a tree upon approval by the town.
- (7) No person, directly or indirectly, shall prune, cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree on town-owned property unless otherwise permitted by this article.



Sec. 3.08.007 Tree removal permit

(a) An application for tree removal permit must be submitted to and approved by the town prior to the removal of any protected tree unless exempt or excepted under this article. The fee for a tree removal permit shall be established by the town council.

(b) Permits for tree removal issued in connection with a building permit or site plan shall be valid for the period commensurate with the building permit or site plan. Permit(s) for tree removal not issued in connection with a building permit or a site plan shall become void one hundred

eighty (180) days after the issue date on the permit. Notwithstanding, a permit may be revoked by the mayor or his designee if the holder of the permit violates any provisions of the permit or this article.



Sec. 3.08.008 Action on permit application

(a) Upon receipt of a sufficient application for a tree removal permit, the mayor or his designee shall review and approve or deny all requests submitted in accordance with the requirements specified herein.

(b) Any denial of a permit by the mayor or his designee may be appealed to the town council. Action by the town council shall be final.

(c) Consideration for the approval of a tree removal permit shall be based upon the following guidelines:

(1) Whether the removal of the protected tree is permitted by this article and the exceptions enumerated herein;

(2) Whether or not a reasonable accommodation or alternative solution can be made to accomplish the desired activity without the removal of the protected tree;

(3) The effect of the removal of the protected tree on erosion, soil moisture, retention, flow of surface waters, and drainage systems;

(4) The need for buffering of residential areas from the noise, glare, and the visual effects of streets, highways and nonresidential uses;

(5) Whether the removal of the protected tree affects the public health, safety or welfare of the residents of the town; and

(6) Whether the application demonstrates the attempt to preserve existing trees on the site.

(d) No certificate of occupancy shall be issued until all fines and administrative and civil penalties for violations of this article have been paid to the town.



Sec. 3.08.009 Prior to construction

The following procedures shall be followed on all construction projects including but not limited to residential subdivisions, commercial, multifamily, manufacturing developments, residential builders and municipal/public, utility easement, right-of-way, manufactured housing development, road construction, and sidewalk construction:

(1) Tree flagging. All protected trees on the subject property within forty (40) feet of a construction area or surface improvements such as driveways, alleys or walks, shall be flagged with bright fluorescent orange vinyl tape of at least 2-inch width wrapped around the main trunk at a height of four (4) feet or more such that the tape is visible to workers operating construction equipment. This shall include the flagging of all

protected trees adjacent to rights-of-way within approved residential subdivisions during the construction of roadways. All flagging shall remain in place during the entire phase of construction at all times.

(2) Open space flagging. All trees or groups of trees within areas intended to be preserved as open space shall be enclosed with bright fluorescent orange vinyl tape of at least 2-inch width along all areas of possible access or intrusion by construction equipment. Tape shall be supported at a maximum of twenty-five (25) foot intervals by wrapping trees or other approved methods. Single incident access for the purposes of clearing underbrush is allowed. All flagging shall remain in place during the entire phase of construction at all times.

(3) Protective fencing. Protective fencing will be located at the drip lines of all protected trees that border the limits of construction, and only where construction activity occurs, as designated by the mayor or his designee. All protective fencing shall be maintained in good repair throughout construction.

(4) Bark protection. In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with 2-inch by 4-inch lumber encircled with wire or other means that do not damage the tree. The purpose is to protect the bark of the tree against incidental contact by large construction equipment.



Sec. 3.08.010 Permanent construction methods

(a) Boring. Boring of utilities under protected trees may be required in certain circumstances. When required, the length of the bore shall be the width of the critical root zone at a minimum and shall be a minimum depth of forty-eight (48) inches.

(b) Trenching. Where possible, all trenching shall be designed to avoid trenching across the critical root zone of any protected tree. This shall not inhibit the placement of necessary underground utility services such as electric, telephone, gas, etc. No trenches in the critical root zone of a protected tree may be left open for more than 24 hours.

(c) Root pruning. It is required that all roots two (2) inches or larger in diameter which are exposed as a result of trenching or other excavation be cut off square with a sharp medium tooth saw and covered with pruning compound within two hours of initial exposure.

(d) Rehabilitation. All post boring and trenching in the critical root zone and root pruning shall require rehabilitation treatments of watering and fertilizing with root stimulator as recommended by an arborist certified by the International Society of Arborists.



Sec. 3.08.011 Tree replacement requirements

(a) Replacement trees shall be required under the following conditions:

(1) To replace a protected tree that is removed as specified in this article, unless excepted by [section 3.08.004](#), or subsection (b) of this section;

(2) To replace a tree that was identified on a tree preservation plan but dies within two (2) years of the date it was planted; or

(3) To replace a tree that was previously identified as outside the building pad site on a development tree preservation plan, but due to property owner preference to shift the building pad site, now must be removed.

(b) Replacement trees shall not be required under the following conditions:

(1) To replace a protected tree that is removed because it is situated within the building pad site of a residential property;

(2) To replace a protected tree that is removed because it is situated within the building pad site or fire lane of a commercial property;

(3) To replace a protected tree that is removed because it is in conflict with a commercial driveway location that is specified by a governmental entity; or

(4) To replace a protected tree removed at the request of the property owner that is situated underneath an existing overhead utility line.

(Ordinance 2013-0715-01 adopted 7/15/13)

(c) Replacement trees shall be planted in accordance with the provisions of this article per the following rates:

For each protected tree with a DBH of greater than 6 inches to be removed, a minimum of three-inch DBH trees shall be planted equivalent to 150% of caliper inches removed.

(Ordinance 2018-0521-01 adopted 5/21/18)

(d) No more than 34% of the number of replacement trees shall be of the same species when twelve (12) or more replacement trees are required. All replacement trees must be of a species designated in the approved tree replacement list ([section 3.08.015](#)).

(e) The replacement trees shall be located on the subject site. However, if there is not a suitable location for the replacement trees on the subject site, the town council may approve either of the following or a combination of the following:

(1) The planting of the replacement trees within a public right-of-way, public park land or any other municipally-owned property;

(2) The planting of the replacement trees within private open space (common ground areas); and

(Ordinance 2013-0715-01 adopted 7/15/13)

(3) The payment of a fee into the town park fund in the amount of \$150.00 per caliper inch of tree removed. (Ordinance 2018-0521-01 adopted 5/21/18)

  **Sec. 3.08.012 Miscellaneous provisions**

- (a) Trees required to be planted by this article shall be planted in such a manner as not to constitute, at the time of planting and at the point of full maturity, any interference with the visibility triangles at intersections nor to interfere with the view of motor vehicles.
- (b) If any tree required to be retained or planted as required by this article should die within a period of two (2) years after completion of the activities associated with construction or development, the property owner or person required to plant the replacement tree(s) shall replace the trees within six months at a ratio of one-to-one with an approved identical size tree from the approved replacement tree list ([section 3.08.015](#)).
- (c) The filling and reclamation of property and mitigation as delineated on a Section 404 Permit, issued by the U.S. Army Corps of Engineers, shall be permitted in lieu of the requirements of this article. The removal of any protected tree on the subject property shall be in accordance with a filling, reclamation, and mitigation plan approved and/or ordered by the Corps of Engineers incident to the filling and reclamation of wetlands and flood lands on such property. As soon as the reclamation and mitigation prescribed by the Corps of Engineers has been completed, and the property is no longer under the supervision and authority of the Corps of Engineers, this article shall immediately apply to such property thereafter.

  **Sec. 3.08.013 Appeals, variances**

- (a) The town council shall hear appeals from decisions of the mayor or his designee and may approve a tree removal permit and approve an exception to all or a portion of the requirements of this article to provide for replacement trees for the following:
- (1) A public or recreational use or structure but not including rights-of-way or easements.
 - (2) A private use that usually requires large areas of open space or impervious surface.
 - (3) Development of heavily forested sites where strict compliance with the requirements of this article will unreasonably burden the use of the property.

  **Sec. 3.08.014 Penalties**

- (a) Any person who cuts, removes or destroys a protected tree in violation of this article may be subject to a civil penalty imposed by the mayor or his designee of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each caliper inch of protected tree cut, removed or destroyed. Upon a finding that a person has violated this article, the mayor or his designee shall determine an appropriate administrative penalty, after due consideration of the danger of repetition, the severity of the offense, and all relevant circumstances. The mayor or his designee shall transmit notice of the violation and of the assessment of administrative penalties to the offending person who may, within twenty (20) days after receipt of notice, request an appeal of the mayor's assessment to the town council. Said notice of appeal must be timely and shall state the basis of the appeal in plain and intelligible language. The town council shall, upon receipt of a notice of appeal, promptly schedule the matter for hearing and upon hearing, shall sustain, reverse or modify the determination and assessment of

the mayor [or] his designee, as the town council deems appropriate and in the ends of justice. The town council's determination shall be final.

(b) Any person violating any term or provision of this article shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in this article, and upon conviction shall be punished by fine in accordance with the general penalty provision found in [section 1.01.009](#) of this code for each offense, and each and every day such violation shall continue shall constitute a separate offense.

(c) Any person who violates any of the provisions of this article, or who fails to comply therewith or with any of the requirements hereof, or who commences construction or development of any real property in violation of any plan submitted or approved under this article, or who fails to obtain a permit where required herein, or who erects, occupies or alters any structure or building, or commences to erect, occupy, or alter any structure or building in violation of any plan submitted or approved under this article, shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined [in] accordance with the general penalty provision found in [section 1.01.009](#) of this code. Each and every day such violation exists or is continued to exist shall constitute a separate offense. The owner of the building, structure, property or premises, or part thereof, where such violation exists, and any architect, builder, contractor or agent employed in connection therewith who may have assisted in the commission of any such violation shall each be deemed guilty of a separate offense and, upon conviction, shall be subject to the penalties herein provided. Upon conviction, the judge may order the defendant to replace the tree or trees with other trees equal to or greater in height, diameter and type of that which was unlawfully removed.

(d) In addition to the penalties hereinabove provided, the town may, at its option, pursue compliance with the terms and provisions of this article by injunctive relief in the appropriate courts of Denton County, Texas.

(e) The remedies provided in this article shall be cumulative and the town's pursuit of any one remedy shall not be construed as an election; the town may pursue any and all remedies allowed by state law or the ordinances of the town.



Sec. 3.08.015 Approved new and replacement tree list

Large Trees		Small/Ornamental Trees	
Big Tooth Maple	Mountain Cedar/Ashe Juniper	American Holly	Mexican Redbud
Black Hickory*	Pecan	Aristocrat Pear	Mountain Laurel*
Blackjack Oak	Plateau/Escarpment Live Oak*	Bradford Pear	Nellie R. Stevens Holly
Buckeye*	Post Oak	Carolina Buckthorn	Oklahoma Redbud*
Bur Oak*	Red/Autumn Blaze Maple	Crepe Myrtle	Possumhaw*
Caddo Maple	Shumard Red Oak*	Desert Willow*	Prairie Flameleaf Sumac
Catalpa*	Southern Live Oak*	Dogwood	Rusty Blackhaw
Cedar Elm*	Southern Magnolia	Eve's Necklace	Saucer Magnolia
Chinquapin Oak*	Sweetgum	Forest Pansy Redbud*	Savannah Holly
Durand Oak	Texas Ash*	Foster Holly	Smoke Tree*

Eastern Red Cedar	Texas Red Oak*	Golden Raintree	Texas Persimmon*
Ginkgo	Trident Maple	Japanese Black Pine	Yaupon Holly*
Lacebark Elm*	Western Soapberry*	Japanese Maple	Vitex*
Lacey Oak	White Ash	Little Gem Magnolia	Wax Myrtle
		Mexican Plum*	

* Plants preferred due to lower water demand and high pest resistance.

** If determined by an International Society of Arboriculture certified town arborist that a tree not listed, for the area intended is a tree of equal or greater value of listed trees, may be included for mitigation.

(Ordinance 2013-0715-01 adopted 7/15/13)

March 15, 2021

Mayor T. Lynn Tompkins, Jr.
1401 FM 424
Cross Roads, Texas 76227

Dear Mayor Tompkins,

I, Juan Diosdado, a new resident of Cross Roads, am sending you this letter on behalf of Imperial Products Supply LLC., to offer our sincerest apologies for being unaware of the city's tree removal ordinance.

We are in receipt of your Cease and Desist letter. We recently acquired the property at 8801 E US Hwy 380 and were unaware of the tree removal ordinance. We will stop all activities that may involve any additional tree removal until we receive further guidance from your office and apply for and receive the necessary permits allowing us to remove trees.

As a new member of Cross Roads, I understand the responsibility it entails of researching the ordinances set forth by the city. During the winter storm, the weight of the ice and snow that accumulated resulted in the failure of branches and significant root damage. After carefully analyzing the trees to see if they had a good chance of recovery it was clear they were not.

As a family owned, small business we are excited to be opening our newest location in Cross Roads. We would like to involve the city in the ground opening of the store as well as all our future endeavours. We look forward to working with you and the Town of Cross Roads as we move forward and become part of the Cross Roads family.

Thank you for your time.

Sincerely,



Juan Diosdado



Town of Cross Roads
1401 FM 424
Cross Roads, Texas 76227
940-365-9693 office | 469-375-5905 fax
crossroadstx.gov

Mayor and Council

T. Lynn Tompkins Jr.
Mayor

Bobby Phillips
Mayor Pro-Tem

Dave Meek
Council member

Wendy White-Stevens
Council member

Duke Roberson
Council member

Greg Gaalema
Council member

Staff

Kristi Gilbert
Interim
Town Administrator

Donna Butler
Town Secretary

Susan Zambrano
Director of Finance

Rodney Patterson
Building Official

Juan Diosdado, Imperial Property Supply via email: juan@imperialprosupply.com
Margarito Espinoza, LMS Lone Star via email: margarito@lmslonestar.com

CEASE AND DESIST - Tree Removal at 8801 E US Hwy 380

On March 9, 2021, staff drove by the above referenced address (Parcel IDs 38339, 121912, 178717, 38337 and 77737) and noticed several trees had been cut down and crews were still on the site. Jason Pool and Rodney Patterson made contact with Marco Espinosa and advised that all activity needed to stop immediately. This was also conveyed to Delma Saavedra by phone at approximately 2:20 p.m. The notice included direction to leave the trees laying in place so they could be identified and measured. The Town of Cross Roads has a tree ordinance that requires the application and issuance of a permit prior to removing any trees 6" or greater from any site. Our records indicate we have not received or approved a tree removal application for this property. Please cease all activity on this site until an accurate assessment of the number and size of trees removed can be determined. The Town will use a certified arborist to determine the size and type of trees removed. After the Town has received the report, we will schedule a meeting to discuss next steps.

If you have any additional questions concerning the Towns requirements, please feel free to contact me at (940)365-9693.

Sincerely,

Kristi Gilbert
Interim Town Administrator

CC:
Rodney Patterson
Jason Pool
Mayor Tompkins

Pictures Taken by Council Member White-Stevens 5/18/2021



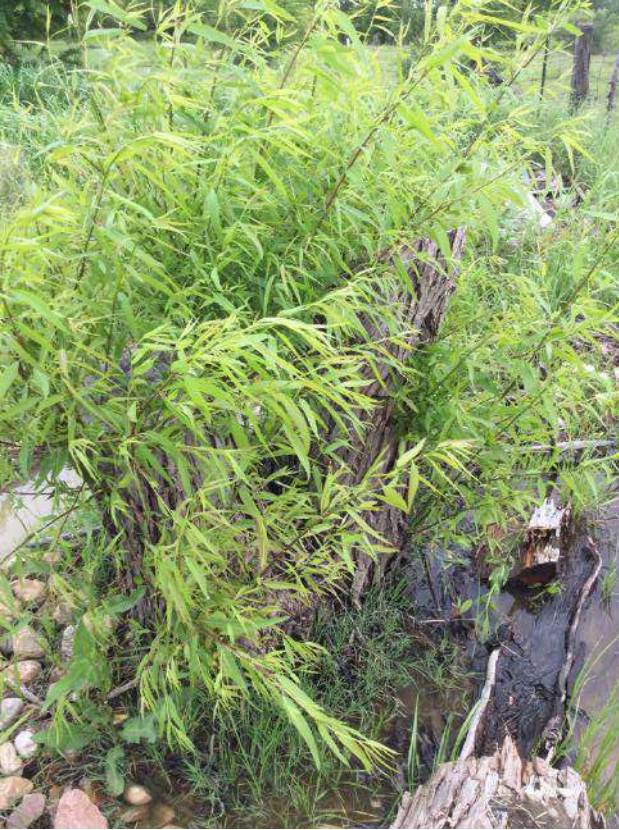
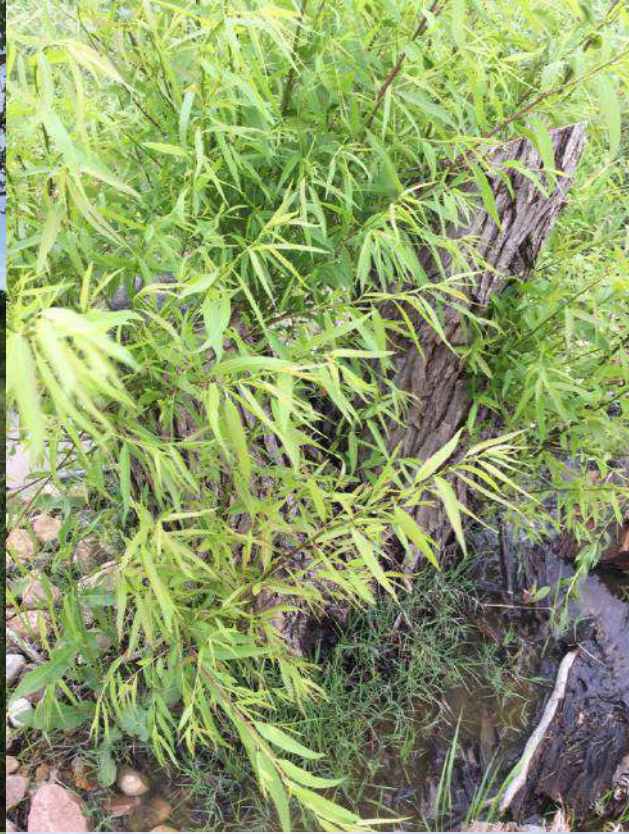
Pictures Taken by Council Member White-Stevens 5/18/2021



Pictures Taken by Council Member White-Stevens 5/18/2021



Pictures Taken by Council Member White-Stevens 5/18/2021



Pictures Taken by Council Member White-Stevens 5/18/2021





COUNCIL AGENDA BRIEFING SHEET

Meeting Date:

June 7, 2021

Agenda Item:

Discuss and consider approval of a resolution designating signatories for the Town of Cross Roads and authorizing the creation of a new Special Projects Account.

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

With the appointment of Dave Meek as the Mayor Pro-Tem and with the authorization to hire me as the Town Administrator, it is appropriate to change the signatories on the Town's bank accounts. Typically, signatories have been the Town Administrator, Finance Director, Town Secretary, Mayor and Mayor Pro-Tem. Since the Finance Director is the individual responsible for cutting the checks, it is appropriate to remove that position from signing the checks to serve as a checks and balances. Additionally, transfers between bank accounts have been initiated and processed by the Finance Director. The proposed resolution indicates that any transfers between bank accounts must first be approved, in writing, by two signatories before the transfer can be initiated.

The resolution also calls for the creation of a new bank account to be entitled Special Projects Fund. Upon creation of this account, the COVID-19 Grant Funds provided by Denton County will be transferred from the account titled "Forrest Hills/Fish Trap Rd Imp Fund".

Fiscal Impact:

None

Recommended Action:

Staff recommends approval of the resolution.

Attachments:

Proposed Resolution

**TOWN OF CROSS ROADS
RESOLUTION 2021-0607-01**

**A RESOLUTION OF THE TOWN OF CROSS ROADS, TEXAS,
DESIGNATING PERSONS AUTHORIZED TO SIGN FOR FUNDS
FOR TOWN BANKING AND FINANCIAL ACCOUNTS WITH
POINTBANK; AUTHORIZING THE OPENING OF A NEW
ACCOUNT WITH POINT BANK FOR A SPECIAL PROJECTS
FUND; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Town Council of the Town of Cross Roads must designate persons authorized to sign on behalf of the Town for funds available, and does so by this Resolution, authorizing designated persons as signatories on checks, drafts and draws on all accounts and subaccounts with PointBank, the Town's designated financial institution; and,

WHEREAS, the Town of Council of the Town of Cross Roads has identified the need to establish a new account for Special Projects and transfer COVID19 funds to said account.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Cross Roads, Texas, as follows:

SECTION 1. That the following persons are hereby approved and designated as authorized signatories for the Town's banking and financial accounts with PointBank for the accounts specified in Exhibit "A", attached hereto:

1. T. Lynn Tompkins, Jr., Mayor
2. Dave Meek, Mayor Pro Tem
3. Kristi Gilbert, Town Administrator
4. Donna Butler, Town Secretary

SECTION 2. The following shall have inquiry capabilities regarding accounts established:

1. Kristi Gilbert, Town Administrator
2. Susan Zambrano, Finance Director

SECTION 3. Transfers between accounts shall be approved by two signatories, in writing, prior to any transfers being made.

PASSED AND APPROVED this 7th day of June, 2021.

APPROVED:

T. Lynn Tompkins, Jr., Mayor

Donna Butler, Town Secretary

EXHIBIT "A"

Bank: **PointBank**

Town of Cross Roads	XXX0167	Legal Contingency
Northeast Municipal Court	XXX0612	NEMC
Cross Roads Public Improvement District 1	XXX1639	PID 1
Public Safety Fund	XXX6978	Public Safety Fund
Road Improvement Fund	XXX8122	Road Improvement
Town of Cross Roads	XXX9321	Cross Roads
Forrest Hills/Fish Trap Rd Imp Fund	XXX9664	COVID19
Municipal Development District	XXX9987	MDD
Special Projects Fund	TBD	New Account for COVID19



COUNCIL AGENDA BRIEFING SHEET

Meeting Date:

June 7, 2021

Agenda Item:

Discuss and consider approval of a resolution establishing a Purchasing Policy for the Town of Cross Roads.

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

The Town of Cross Roads currently does not have a purchasing policy in place. The proposed resolution would establish a purchasing policy for the Town to ensure appropriate financial controls. Below is a brief summary of purchasing limits established in the proposed policy:

Dollar Limits	Required Approvals
\$0 - \$5,000 (Budgeted Items) or \$0 - \$3,000 (Non-Budgeted Items)	Town Administrator for all purchases or Police Chief for Police Department purchases
\$5,001 - \$25,000 (Budgeted Items) or \$3,001 - \$10,000 (Non-Budgeted Items)	Mayor and Town Administrator
\$25,001 and above (Budgeted Items) or \$10,001 and above (Non-Budgeted Items)	Town Council

Fiscal Impact:

None

Recommended Action:

Staff recommends approval of the resolution.

Attachments:

Proposed Resolution

**TOWN OF CROSS ROADS, TEXAS
RESOLUTION NO. 2021-_____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CROSS ROADS,
TEXAS APPROVING PURCHASING POLICIES AND PROCEDURES AND
PROVIDING AN EFFECTIVE DATE**

WHEREAS, Chapter 252 of the Local Government Code (LGC) provides for the Purchasing and Contracting Authority of Municipalities; and

WHEREAS, Chapter 271 of the LGC provides further for the Purchasing and Contracting Authority of Municipalities, Counties, and Certain Other Local Governments; and,

WHEREAS, This policy and associated procedures comply with the statutory thresholds and requirements of both LGC chapters regarding competitive bidding; and,

WHEREAS, This policy and associated procedures are necessary to provide guidance for purchasing not meeting the threshold for statutory competitive bidding and the Town Council's determination of appropriate spending limits

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CROSS ROADS, TEXAS:

SECTION 1. That this Policy and associated Procedures are hereby adopted.

**TOWN OF CROSS ROADS, TEXAS
PURCHASING POLICIES AND PROCEDURES**

I. Purpose

The purpose of this purchasing policy is to provide the Town of Cross Roads with guidelines and directions for the acquisition of goods and services. The Town is committed to ensuring all acquisitions are in compliance with the state and federal law and Town Ordinances. The policies and procedures conveyed within are intended to allow the Town to obtain the needed supplies and services efficiently and economically.

This document may be modified from time to time to conform to changes in legislation, technology and actual practices. Although it may not address every issue related to purchasing practices, it does provide general guidelines for purchasing activities. Employees needing assistance in dealing with specific situations not covered by this document should contact the Town Administrator, or the Finance Director.

The Town Administrator shall act as the Town's Purchasing Agent. The Town Administrator shall be the final authority regarding the enforcement of any of the provisions of this document.

Failure to follow the procedures outlined herein may lead to disciplinary action in accordance with the provisions of the Town of Cross Roads Employee Manual.

II. Purchasing

A. Approval of Town Purchases. No employee shall purchase goods or services on behalf of the Town of Cross Roads without first seeking approval as required by this policy. All purchases shall require advance approval of the Town Administrator, in accordance with the guidelines below:

Dollar Limits	Required Approvals
\$0 - \$5,000 (Budgeted Items) or \$0 - \$3,000 (Non-Budgeted Items)	Town Administrator for all purchases or Police Chief for Police Department purchases
\$5,001 - \$25,000 (Budgeted Items) or \$3,001 - \$10,000 (Non-Budgeted Items)	Mayor and Town Administrator
\$25,001 and above (Budgeted Items) or \$10,001 and above (Non-Budgeted Items)	Town Council

Approval for purchases shall occur before the purchase or an order is made.

B. Soliciting Quotes. Employees are responsible for obtaining quotes for purchases in the instances outlined below. Acquisitions (orders) submitted without the required quotes or a satisfactory explanation of why quotes were not obtained (e.g., sole source, emergency, standardized vendor, etc.) will be returned to the originator without approval.

1. **Purchases less than \$1,000** – no quotes are required
2. **Purchases of \$1,000 and over, but less than \$5,000**
 - Not less than three (3) verbal or written quotes should be received, if practicable. Pricing and contact information must be noted on the purchase order and forwarded to the Town Administrator for approval. Physical records regarding the dates, contacts and quotes received shall be retained in the department’s files for audit purposes
 - The following information will be required when using “no response” for one of the three-bids/written quotes: Company name, contact person, phone number, and e-mail, if available
3. **Purchases of \$5,000 and over, but less than \$25,000**
 - Not less than three (3) **written** quotes should be received, if practicable. Quote(s) shall be attached to the purchase order and submitted to the Town

Administrator for the Mayor's approval. Hard copies of quotes obtained shall be retained in the department's files for audit purposes

- The following information will be required when using "no response" for one of the three written quotes: Company name, contact person, phone number, and e-mail, if available

4. Purchases of \$25,000 and over for budgeted items or Purchases of \$10,000 and over for non-budgeted items

- No less than three (3) **written** quotes should be received, if practicable. Quote(s) shall be attached to the purchase order and submitted to the Town Administrator for the Town Councils approval. Hard copies of quotes obtained shall be retained in the department's files for audit purposes.
- The following information will be required when using "no response" for one of the three written quotes: Company name, contact person, phone number, and e-mail, if available

C. Competitive Bids. Purchases made through a Purchasing Cooperative or a State Purchasing Contract satisfies the requirement for a competitive bidding as required herein.

- All Purchases must be submitted to the Town Administrator for approval.
- All purchases of goods or services of \$25,001 or more for budgeted items or \$10,001 or more for non-budgeted items must be submitted to the Town Council for approval.

D. Requests for Proposals (RFP). Competitive sealed proposals commonly referred to as an RFP are similar to competitive bids but are generally reserved for instances where there may be multiple ways to accomplish a desired outcome. An RFP can be used for procurements of high-technology products and insurances. The following steps should be followed when preparing RFPs:

1. Specifications are to be written using requirements or performance standards for goods or services.
2. Vendors submit proposals of their own design to satisfy the requirements or scope of services set forth in the proposal. Vendor proposals may incorporate entirely different hardware or services to accomplish the same performance requirement or scope.
3. Following the receipt of proposals, the Town may enter into negotiations with as many vendors as have submitted feasible proposals in order to arrive at the best and/or most qualified proposal from each vendor.
4. Proposals of \$25,001 and over require approval of the Town Council.

E. Request Qualifications (RFQ). The Professional Services Procurement Act prohibits using competitive bids to procure certain services defined by the Act, including, but not limited to, engineering design, architectural, planning, and legal services. Section 252.022 of the Texas Local Government Code exempts procurement of personal, professional or planning services from competitive bidding requirements. The RFQ

process involves describing the project and requesting submittals from interested entities to provide their qualifications to meet the services required.

The following steps should be followed when preparing an RFQ:

1. Describe the scope of services desired and include specific requirements for the submittals, such as including similar past projects, references and staff profiles to be committed to the job. Also include expected performance standards and how the submittals will be judged.
2. Vendors submit their qualifications to satisfy the requirements or scope of services set forth in the request.
3. Following the receipt of submittals, the Town will select the most qualified and enter into negotiations in order to develop a Professional Services Agreement if no agreement can be established with the first vendor, the Town may move to the next best qualified and etc., until an agreement can be reached to be presented forward.
4. The purchase of professional services exceeding \$25,001 specifically requires approval of the Town Council. Purchases for lesser amounts may follow the same thresholds for approval; but for larger dollar amounts, Town Council approval should still be sought.

F. Sole Source Purchases. Items available from only one source, as described by Section 252.022 of the Texas Local Government Code, are exempt from competitive bidding including the following:

- Items available from only one source because of patents, copyrights, secret processes, or natural monopolies
- Films, manuscripts, or books
- Gas, water, and other utility services
- Captive replacement parts or components for equipment
- Books, papers and other library materials for a public library available only from the persons holding exclusive distribution rights to the materials
- Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facilities to which the organization has provided significant financial or other benefits

Sole source determination and approval must be given by the Town Administrator before purchase is made.

G. Emergency Purchases. Purchases described in Section 252.022 of the Texas Local Government Code are exempt from competitive bidding include the following:

- Procurement(s) made because of a public calamity requires immediate appropriation of money to relieve the necessity of the Town's residents or to preserve the property of the Town
- Procurement(s) necessary to preserve or protect the public health or safety of the Town's residents

- Procurement(s) necessary because of unforeseen damage to public machinery, equipment or other property

Should the emergency occur after normal working hours, the responsible staff member shall make reasonable and necessary purchases to address the emergency, subject to approval of the Town Administrator or Mayor, if they can be reached. An emergency payment report shall be submitted to the Town Administrator the next business day by the employee.

H. Other Exemptions from Competitive Bidding. The following are other purchases described in Section 252.022 of the Texas Local Government Code as being exempt from competitive bidding:

- Procurement of personal, professional or planning services
- Procurement for work preformed and paid by the day as the work progresses
- Purchase of land or right-of-way
- Interlocal/cooperative purchasing contracts or agreements
- Miscellaneous other procurements as set forth in Section 252.022

I. Cooperative Purchasing. Cooperative purchasing is an option whereby local governments may save time and budget dollars by participating in purchasing programs. Pursuant to state law, two or more entities (state, federal or local governments) may coordinate some or all of their purchases (i.e. fuel, equipment, office furnishings, street materials, vehicles, etc.) for the mutual benefit of the entities concerned. All legally created interlocal government cooperative-purchasing agreements must be approved by the Town Council prior to using.

1. Implementation by:

- a. Entering into a cooperative agreement with another governmental entity for a bid;
- b. Two or more governments joining to purchase one or more goods/services jointly;
- c. Buying from state contract; or
- d. Cooperative Purchasing Agreements. (Verify with Town Secretary before using to ensure current agreement is in place.)

III. Bid Procedures

A. Procedures for Competitive Bids for RFP/RFQ's. In order to assist the Town departments in their compliance with all purchasing laws, policies and procedures, each department soliciting competitive (formal) bids or proposals must abide by the following:

1. Every competitive (formal) bid, request for proposal (RFP) or request for qualification (RFQ) should be assigned a bid number. The bid number will be the year, corresponding month and day and the order its turned in (ex. The first bid turned in on January 1, 2021 would be 2021-0101-01).

2. The Town Secretary shall be notified, and bid/proposal information provided to ensure the Town Secretary legally advertises the bid/proposal in accordance with section 252.041 of the Texas Local Government Code. The Town Secretary shall be responsible for all legal advertisements regarding competitive bids or proposals.
3. Departments may maintain a vendor's list of all vendors requesting to receive bids from the Town; however, use of such list shall not circumvent the statutory advertisement for bid requirements of state law.
4. The Town Administrator or his/her designee and the Town Secretary will attend all bid openings to ensure compliance with the statutory bidding procedures.
5. The Town Administrator and the requesting department director must make a consensus recommendation to the Town Council concerning the bid or proposal award. The requesting department director must present the recommendation of award to the Town Council.
6. No purchase order will be issued prior to the Town Council approval.
7. Approval date and Town resolution must be attached to and noted on the purchase order.
8. All approved contracts shall be attached to the purchase order.

B. Preparing the Competitive Bid Document. All competitive bids shall be issued using an advertisement approved by the Town Administrator and Town Attorney.

1. It is the responsibility of the respective departments to prepare the bid specifications. Consulting engineers/architects may also be directed by the Town to prepare bid documents as well as administer or participate in the bid opening process.
2. All bid documents must generally contain the following information:
 - Advertisement for Bids
 - Cover sheet
 - General rules
 - Insurance documents
 - Reference sheet
 - Bid Form
 - Specifications or Special Provisions
3. After Preparation of the bid document, it must be approved by the Town Administrator
4. The completed bid specification document must be sent to the Town Administrator's office for review and approval. The Town Administrator's office will be responsible for forwarding the appropriate legal public notice information to the Town Secretary for advertisement and placement on the calendar pursuant to state law.
5. After approval by the Town Administrator's office, the bid may be mailed to prospective bidders as well as placed on-line, if applicable. Bid documents shall not be mailed to prospective bidders before the first public notice is

placed in the newspaper in order to ensure all prospective bidders have the same amount of time to complete the bid document.

C. Additional Requirements for the Bid Document

1. A bid bond, cashier's check, certified check, or other approved security in the amount equal to ten percent (10%), or five percent (5%) in the case of engineering-related bids, of the bid is required to guarantee the successful bidder will sign a contract in the following instances: 1) the bid is for a construction project or 2) any other bid for which the Town Administrator deems it necessary to protect the interest of the Town.
2. When preparing the bid document, departments, in consultation with the Town Administrator, should consider whether to require contractors to provide a performance bond if awarded the contract. In instances where the bid is for construction services or significant building improvements, it is customary to require the contractor to provide a performance bond. A performance bond issued by a surety company stipulates a legal, written obligation guaranteeing 100% payment for any financial loss caused by default of the contractor. When provided to the Town of Cross Roads, it grants an assurance as to the performance and successful completion in accordance with the terms of the contract and assures payment of the taxes, licenses or assessments associated with the contract. The contractor shall provide the performance bond with the appropriate Labor and Materials Bonds within ten (10) calendar days of award of bid. Bonds required to guarantee performances and payment for labor and material for the contract work shall be in a form acceptable to the Town Attorney and shall provide that they shall not terminate upon completion of the work, but shall continue for period of one (1) year to cover a warrant and maintenance period which Contractor agrees shall apply to all material and workmanship for one (1) year from the date of issuance of the final payment by the Town.
3. During the term of the contract, the contractor shall provide the Town with a Certificate of Insurance. The limits of liability shall be specified in the bid document's General Terms and Conditions and shall include comprehensive general liability, auto liability, professional liability (required only where contracts are for professional services), workers' compensation (shall include a "waiver of subrogation"), and umbrella coverage. Limits of liability shall be stipulated by the Town. The aforementioned insurance requirements shall be fulfilled by the contractor by maintaining insurance policies which name the Town, its officers, agents, employees, representatives and assigns as additional insured's. The contractor shall furnish to the Town satisfactory proof of coverage by a reliable company or companies, before commencing any work. Such proof shall consist of certificates executed by the respective insurance companies and filed with the Town together with executed copies of an "Additional Insured Endorsement" form. Said certificates shall contain a clause to the effect that for the duration of the contract, the insurance policy shall not be canceled, be allowed to expire or changed so as to the amount of coverage, only after written notification 30 days in advance has been given to the Town. In addition, said certificates shall list the

Town and its officers, agents and employees as additional insureds on all required insurance policies, except the policies for professional liability.

4. All companies or individuals who wish to bid on a good or service must submit their bids in a sealed envelope before the deadline of the bid. **BIDS RECEIVED AFTER THE DEADLINE SHALL NOT BE OPENED AND SHALL BE RETURNED TO THE COMPANY OR INDIVIDUAL.** The sealed envelope must be labeled as required per the bid documents. Bid document packages should be made the day the ad is placed in the newspaper. It is the responsibility of each department to maintain bid lists for those goods or services for which they are responsible.
5. If a pre-bid conference is conducted, departments should specify in the Notice of Bidders whether or not attendance is a mandatory or optional condition of bidding. At the pre-bid conference, the responsible department should ensure all attendees sign a “sign-in” sheet to ensure compliance with this requirement of bidding and/or to ensure all bidders receive any and all issued addenda. Failure to attend a mandatory pre-bid conference shall disqualify a bidder from being awarded the contract unless, at the department’s discretion, bidders are allowed to not attend by signing a waiver.
6. Based on questions received at the pre-bid conference or by other communications, departments should provide an Addendum to all those who received bids if the answers to the questions might impact the outcome of the bid results. Addendums should also be sent when clarifications are required

D. Bid Opening Procedures. All sealed bids shall be publically opened and read aloud by the Town Secretary, or his/her designee, at the time and place stated in the legal notice. At least one other employee shall serve as witness and tabulate the bid results. All proposals shall be open to public inspection, including tabulations, following the bid opening. The following procedures must be completed prior to the bid opening:

1. The Town Secretary will be responsible for reserving the location for the bid opening.
2. All bids must be received before the deadline on the day of the bid. Town staff must be notified of the time and place of the bid opening, and reminded no bids are to be accepted after the deadline for accepting bids. Bids received via mail or in person must be date and time stamped and initialed by person receiving sealed bid packet.
3. A bid Tabulation Form must be completed. During the bid opening, both the person opening the bid and the person tabulating the bids must sign the bid tabulation sheet as witnesses.

IV. Change Order Policy

State Law, Section 252.048, Texas Local Government Code sets forth certain criteria governing change orders relative to performance of a contract. The general policy of the Town is that change orders are not allowed except for unavoidable or unforeseen circumstances that can be documented and ultimately determined that it is in the best interest,

health, safety, and welfare of the Town for the modifications in an approved contract be made. **All change orders shall be approved by the Town Council.**

An original contract price may not be increased by more than twenty-five percent (25%) pursuant to Section 252.048(d), Texas Local Government Code. The original contract price may not be decreased under state law by more than twenty-five percent (25%) without consent of the contractor.

Procedures for Submitting Change Orders

- Change orders shall be placed on the Council's agenda and shall be accompanied by a staff memorandum explaining the need for the contract revision.
- Change orders shall be numbered sequentially and shall bear the signature of the department director and/or the consulting engineer/architect if applicable. In instances where a final balancing change order (regardless of the amount) reduces the contract price, departments shall approve and authorize the Finance Department to close out the remaining encumbered funds (the project/contract).
- In special circumstances, a change order requiring Town Council approval may be authorized by the Town Administrator prior to being placed on the Town Council agenda. If authorized, the department director shall proceed with placing the change order on the upcoming Town Council agenda as outlined above.

V. Credit Card Payments

- A. The Town of Cross Roads has provided certain employees deemed necessary with a corporate credit card authority for use in making purchases. Each employee is responsible for the security of the credit card(s) assigned to the respective employee and should not permit their use for means/purposed other than those permitted by the Town Employee Manual and/or authorized by the Town Administrator. Credit cards shall not be used for any personal expenses. Credit cards shall not be used to circumvent the normal payment process. Examples of items that should not be paid by credit card include, but are not limited to, utility bills and invoices for professional services. Appropriate uses of credit cards include travel and registration for training conferences, online subscriptions and office or event supplies. Employees are responsible for ensuring payments are tax exempt.
- B. Compliance. Credit card abuse, including but not limited to failure to provide expense reports within three (3) working days of return to work from Town authorized travel or conferences resulting in credit card use; failure to provide receipts of credit card use/expenditures; falsifying expense reports; payment of sales tax or submitting false claims will result in disciplinary action, up to and including termination of employment. Credit card charges not substantiated by a receipt must be reimbursed by the credit card user at time of receipt of the monthly credit card statement.
- C. Payment of Monthly Credit Card Bills. Monthly credit card bills must be paid for by a check signed by authorized signatories. Payment of credit card bills by Automated Clearing House (ACH) is prohibited.

D. The Finance Director shall maintain credit card use acknowledgment forms and/or copies of departmental use policies authorized by each Department Director. The Town Administrator shall request all credit cards to be returned prior to termination of employment and no final pay shall be made to terminated employee until cards have been received by the Town Administrator.

SECTION 2. That this Resolution shall take effect immediately from and after this adoption and it is so resolved.

**PASSED AND APPROVED By the Town Council of the Town of Cross Roads, Texas
this the _____ day of _____, 2021**

TOWN OF CROSS ROADS, TEXAS

ATTEST:

T. Lynn Tompkins, Mayor

Donna Butler, Town Secretary



COUNCIL AGENDA BRIEFING SHEET

Meeting Date:

June 7, 2021

Agenda Item:

Discuss and consider a request by Sharon Baca, the Connectivity Committee and NextLink to enter into a lease agreement to construct and maintain a fiber tower on property owned by the Town of Cross Roads located at 1404 FM 424.

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

The Town of Cross Roads is in receipt of a request by Sharon Baca, representative for the Town's Connectivity Committee to have the Town enter into a lease agreement with NextLink Internet for the construction and maintenance of a tower for internet services. The Town has not been provided with a request for a specific location, other than the west side of the property. Information has been provided indicating the tower would be between eighty (80) and one hundred (100) feet tall and sit on a twelve (12) foot by twelve (12) foot foundation. The draft lease agreement includes provisions for a fifteen (15) foot access easement for the benefit of NextLink. The draft agreement has not been reviewed by legal counsel to date. Staff has identified the following challenges with utilizing the town owned land:

- There is very little useable space on the property. There is space to accommodate a 12'x12' pad; however, it would leave no room to expand our storage building or add any additional parking.
- Providing a fifteen (15) foot access easement is challenging in that there are currently no means to provide vehicular access to the far back portion of the property.
- The lease agreement appears to put the burden on the Town to provide adequate utility (electric) services.
- While Cross Roads regulations do not indicate height restrictions specific to towers, it is not uncommon to require a setback from property lines and inhabited structures of at least the height of the tower. For example, an eighty (80) foot tower, would be set back at least eighty (80) feet from any property lines and inhabitable buildings.

Fiscal Impact:

In exchange for leasing the site, NextLink will provide the Town with one (1) free internet connection (100 Mbps) and one (1) free VOIP phone connection for five (5) years.

Recommended Action:

Staff recommends that the Connectivity Committee work with other land owners to provide a more suitable location. If the Town Council decides it is appropriate to move



COUNCIL AGENDA BRIEFING SHEET

forward with the location at Town Hall, then the Town Attorney would need to review the agreement and additional documentation would be required.


Attachments:

Email from Sharon Baca

Blank Lease Agreement

Sample Picture of Tower

Site Plan/Aerial Maps of Town Hall property

From: sjbaca33@gmail.com 
Subject: Contract/tower photo
Date: May 15, 2021 at 4:33 PM
To: Kristi Gilbert k.gilbert@crossroadstx.gov, T. Lynn Tompkins Jr.
Cc: Chase Allen callen@team.nxlink.com

SB

Kristi,

At Monday night's town council meeting, I will announce that with the Town Council's approval at their next meeting, the connectivity issue for the Town of Cross Roads is solved. I will copy you on the report to my committee, when written.

What we will be requesting of the Town Council is approval of a proposal that NextLink put a tower on the back of the Town's property, where town hall is located.

The land required for a tower is 12 feet x 12 feet.

A 12'x12' concrete pad is poured by NextLink.

An 80'-to 100-foot tower is the NextLink norm. A small 2'x2' cabinet is placed on the concrete pad within the tower footprint. The tower broadcasts a four-to six-mile radius, easily covering Cross Roads two mile by three mile area.

This new over the air (OTA) frequency has recently been released by the Federal government. It was previously reserved for Military use by aircraft carriers and their airplanes. This frequency is particularly valuable for Cross Road is that it will go through trees.

The Town Hall Tower will be supplemented by a Tower on the property of Mr. and Mrs. Gary Daniels on Mill Creek Road.

Warmest personal regards,

Sharon

Sharon J Baca

1085 Timber Ridge Trail
Cross Roads, TX 76227

214.908.9988

sjbaca33@gmail.com



TOWER SITE LEASE AGREEMENT AND ACCESS EASEMENT

This Tower Site Lease Agreement and Access Easement (“Agreement”) is made to be effective this 20th day of February, 2020 (“Effective Date”), by and between _____ (“Landlord”), and AMG Technology Investment Group, LLC, a Texas limited liability company d/b/a Nextlink Internet (“Nextlink”).

For good and valuable consideration, the parties hereto agree as follows:

1. **Leased Premises and Access Easement.** Landlord is the owner of certain property located approximately at _____. The legal description of Landlord’s property is set forth on Exhibit “A” attached hereto. Landlord has not previously leased the property to any other person or entity. Subject to the terms and conditions of this Agreement, Landlord hereby leases to Nextlink and Nextlink leases from Landlord a portion of Landlord’s property of the size, configuration and location more particularly described on Exhibit “B” attached hereto (the “Site Location”), subject to any and all existing easements and other matters of record. Nextlink intends to construct a tower structure along with directional antennas, connecting cables, and appurtenances (the “Antenna Facilities”) on the Site Location. In addition, Landlord hereby grants to Nextlink a non-exclusive access easement approximately fifteen (15) feet in width over and across Landlord’s property described in Exhibit A, from the nearest public road to the Site Location, for access thereto and for reasonable ingress and egress, maintenance and repairs and adequate utility services, including sources of electric utilities. The Site Location, access easement and the utility services are collectively referred to herein as the “Leased Premises”.
2. **Rent.** As consideration for this Agreement, Nextlink shall provide Landlord with one (1) free internet connection (100 Mbps) and one (1) free VOIP phone connection for the life of this Agreement. Installation and required equipment will be provided by Nextlink at no charge. Such services shall commence upon completion and activation of the Antenna Facilities. Service location must be within range of the Antenna Facilities.
3. **Governmental Approval Contingency.** Nextlink’s right to use the Leased Premises is expressly contingent upon its obtaining all the certificates, permits, licenses, zoning and other approvals that may be required by any federal, state, or local authority. In the event that any certificate, permit, license or other approval is finally rejected, is cancelled, expires, lapses, or is otherwise withdrawn or terminated by any applicable governmental authority so that Nextlink, in its sole discretion, determines that it will be unable to use the Leased Premises for the Intended Use (defined below), Nextlink shall have the right to terminate this Agreement.
4. **Term and Renewals.**

Initial Term. The “Initial Term” of this Agreement shall commence on the Effective Date and expire at the end of the 60th full month of this Agreement; provided, however, Nextlink’s Rent obligations shall commence as set forth in Section 2 above.

Renewal. Subject to the terms and conditions of this Agreement, Nextlink shall have the right to extend this Agreement for three (3) sixty (60) month renewal periods (each, a “Renewal Term”) commencing on the first day of the month following the expiration date of the Initial Term or prior Renewal Term. This Agreement shall be automatically renewed for each Renewal Term of sixty (60) months unless Nextlink sends written notice of non-renewal to Landlord no later than thirty days (30) prior to the expiration of the Initial Term or prior Renewal Term. Any additional Renewal Terms beyond the third Renewal Term shall require a mutual agreement in writing signed by Landlord and Nextlink.
5. **Nextlink's Use of Leased Premises.** Nextlink shall use the Leased Premises only for the purpose of installing, maintaining, and operating the Antenna Facilities, and related equipment, and uses incidental thereto for providing radio

and wireless telecommunication services which Nextlink is legally authorized to provide to the public (the “Intended Use”). Nextlink shall have the right, at its sole cost and expense, to operate and maintain the Antenna Facilities on the Leased Premises in accordance with good engineering practices and all applicable FCC rules and regulations. Nextlink’s installation of all Antenna Facilities shall be done according to plans approved by Landlord, which approval shall not be unreasonably withheld, conditioned or delayed. Any damage to the Leased Premises or Landlord’s adjoining property caused by Nextlink or its contractors during installation or operations of the Antenna Facilities shall be repaired by and at Nextlink’s expense within thirty (30) days after notification of such damage by Landlord. The Antenna Facilities shall remain the exclusive property of Nextlink throughout the term of this Agreement. Nextlink shall, at its own expense, maintain any equipment on or attached to the Leased Premises in a safe condition, in good repair and in a manner suitable to Landlord so as not to conflict with the use of Landlord’s adjoining property. Nextlink, at all times during this Agreement, shall have access to the Leased Premises in order to install, operate, and maintain its Antenna Facilities.

6. **Insurance and General Liability.** Nextlink must maintain “occurrence” form comprehensive general liability coverage during the Initial Term and any Renewal Terms of this Agreement. Such coverage shall include, but not be limited to, bodily injury, property damage-broad form, and personal injury, for the hazards of Premises/Operation, broad form contractual, independent contractors, and products/completed operations. Said coverage must have limits of liability of not less than \$1,000,000 per occurrence, \$2,000,000 aggregate; and property damage of not less than \$1,000,000. These limits may be satisfied by Nextlink’s comprehensive general liability coverage or in combination with an umbrella or excess liability policy. Nextlink must keep in force during the Initial Term and any Renewal Terms of this Agreement a policy covering damages to its property at the Leased Premises. The amount of the property insurance shall be sufficient to replace the damaged property, including loss of use, and shall contain ordinance and law coverage.
7. **Agreement Termination.** Except as Set forth in Section 3 hereof (for which no notice is required), this Agreement may be terminated by Nextlink upon sixty (60) days written notice to Landlord. In the event that this Agreement is terminated or not renewed, Nextlink shall have ninety (90) days from the termination or expiration date to remove its Antenna Facilities and related equipment from the Leased Premises and to repair and restore the surface of the Site Location to its prior condition.
8. **Disputes and Notices.** Any claim, controversy or dispute arising out of this Agreement that is not resolved within ten (10) days following notice of the dispute, shall be submitted first and promptly to mediation. Each party shall bear its own costs of mediation. If mediation does not result in settlement within forty-five (45) days after the matter was submitted to mediation, venue for any litigation thereafter shall lie in the district courts of the State of Texas. All notices hereunder must be in writing and shall be deemed validly given if delivered personally or if sent by certified mail, return receipt requested, addressed as follows (or any other address that the party to be notified may have designated to the sender by like notice):
If to Landlord, to: Attn:
If to Nextlink, to: Nextlink Internet
95 Parker Oaks Ln.
Hudson Oaks, TX 76087
ATTN: David Law
9. **Complete Agreement; Amendments.** This Agreement constitutes the entire agreement and understanding of the parties and supersedes all offers, negotiations, and other agreements of any kind. There are no representations or understandings of any kind except as set forth herein. Any modification of or amendment to this Agreement must be in writing and executed by both parties. This Agreement shall be construed in accordance with the laws of the State of Texas.
10. **Severability.** If any term of this Agreement is found be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect.
11. **Binding Effect.** This Agreement shall run with the Leased Premises. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns of the parties hereto. Nextlink may file a Memorandum of Lease in the county where the Leased Premises are located.
12. **Payment of Utilities.** Nextlink shall provide connections for the consumption of electrical and other utilities associated with its use of the Leased Premises and shall promptly pay all costs associated therewith.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

NEXTLINK;
AMG Technology Investment Group, LLC, a Texas limited liability company, d/b/a Nextlink Internet

LANDLORD:

By _____

By _____
David Law – Director of Infrastructure Operations

By _____

Exhibit “A”

Legal Description of Landlord’s Property

Exhibit “B”

Site Location Description

The Site consists of the telecommunications tower and equipment cabinet to be located at _____. Approximate tower location is indicated by the red circle in the Google Earth image below.







COUNCIL AGENDA BRIEFING SHEET

Meeting Date:
June 7, 2021

Agenda Item:

Discuss and consider the FY 2021 Budget and Council priorities for the FY 2022 Proposed Budget including staffing needs.

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

Staff has prepared this item to determine Council priorities for the FY 2022 budget. Additionally, Council Member White-Stevens asked that the Council discuss staffing needs for the upcoming fiscal year. Staff is currently evaluating the workload to determine what position(s) would be most appropriate to add. Some additional items to consider outside of the base budget include the following that Staff is working on obtaining quotes for:

- Transitioning to a more sophisticated, government finance software. Currently the Town is utilizing QuickBooks which does not provide the sophistication and best practices that are important for a governmental entity.
- Transitioning to Windows based PC's and Server. With the establishment of the Cross Roads PD, Windows based products will be required. Additionally, Staff is running into more and more challenges related to compatibility with Apple products. While Apple still supports the laptops utilized by Staff, the majority of them were purchased in late 2013.
- The Parks and Recreation Board has requested \$20,000 for Park Events for FY2022. They are also currently working on capital purchase requests for beautification and park improvements that are currently estimated at \$220,000.
- Aubrey Fire Department has suggested the purchase of Opticom emitters at the intersections of US 380/FM 424, FM 424/Fish Trap, US 380/Fish Trap and FM 424/US 377 at an estimated cost of approximately \$39,000 for all directions at the four intersections. This will provide for a decrease in response time; however, it is difficult to quantify the amount of reduction due to several variables.
- Contracting out building inspection services. Staff is currently researching the viability of contracting out building inspection services to allow the Building Official more time for plan review. This would also provide an opportunity to spread out a small portion of the duties, while having no net effect to the Town. This would require increasing permit fees to cover the costs. Staff is working on a survey of permit fees compared to other jurisdictions which will be provided upon completion. However, early indications are that Cross Roads permit fees are well below other surrounding and comparable jurisdictions.

Most of these items could be purchased from Fiscal Year 2021 funds that resulted in revenues much higher than expected due to increase sales tax revenue and building permits.



COUNCIL AGENDA BRIEFING SHEET

Fiscal Impact:

Staff is working on quotes for the above items.

Recommended Action:

Discussion only.

Attachments:

Park Board Proposed Budget



Park Board Expenses & Proposed Budget

We have included the last four years for your viewing pleasure and understanding.

LINE ITEM	Proposed	FY 2020-2021		FY 2019-2020		FY 2018-2019		FY 2017-2018	
	FY 2021-2022 BUDGET	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL
8000 Maintenance	10,000.00	10,000.00	7,698.51	7,500.00	8,274.14	7,500.00	6,822.62	7,500.00	3,370.88
8002 Events	20,000.00	5,000.00	1,865.48	10,000.00	4,176.49	10,000.00	10,817.96	15,000.00	13,883.86
8004 Improvements Beautification	200,000.00 20,000.00	5,000.00	495.00	10,000.00	3,727.07	250,000.00	322,940.35	400,000.00	327,846.48
Total	250,000.00	20,000.00	10,058.99	27,500.00	16,177.70	267,500.00	340,580.93	422,500.00	345,101.22



**MINUTES OF TOWN COUNCIL MEETING FOR THE TOWN
OF CROSS ROADS MONDAY, MAY 17, 2021 at 7:00 P.M.**

**LOCATION: VIRTUAL and IN PERSON at
1401 FM 424, CROSSROADS, TEXAS 76227
Or by Zoom**

1. Called to Order at **7:00 P.M.**
 2. Roll Call: **Mayor Tompkins, Council Members Phillips, Meek, Gaalema, and White-Stevens. Roberson was absent.**
 3. ~~Invocation – Karen Black~~
 4. Pledge of Allegiance – **Kristi Gilbert led the Pledge.**
 5. Presentation to Outgoing Council Member Duke Roberson
Council Member Phillips accepted a gift for Outgoing Council Member Duke Roberson.
 6. Issuance of Certificate of Election and Administration of Oath of Office to:
 - a. Dave Meek
 - b. Wendy White-Stevens
 - c. Ron King
- Mayor Tompkins administered the ceremonial Oath of Office and issued a Certificate of Election to Council Members Meek, White-Stevens, and King. Council Member Ron King took his place at the dais.**
7. Council Member's announcements and updates.
 8. Mayor's announcements and updates.
 9. Committee and Commissions Announcements and Updates.
 10. Citizens Input (Items on the agenda and not on the agenda)
Via Zoom: Ella Welch, Harley McGraw, Herman Oosterwijk, Mrs. Aubrey, Janet Conrad, Lincoln McGraw, and John Knox.
In-person Comments: Tammy Sweeney, Randy Wallace, Virginia Nichols, Sharon Baca, Kathryn Langlely, and Cody Clark.
Email: Shauna Bohren, Marc Sweeney, Connie Lipscomb, William Berry, Patsy Smith, Heather Mize, Kelly Berry, Jason Sims, Tanya Perlick, Wendy Slaughter, Brayden Sweeney, Garrett Smith, Rafael Castro, Colette Olivieri, Karen Aguilar, and Bob Gorton.
 11. Updates; Discussion of Same.
 - Town Administrator Announcements and Updates – Kristi Gilbert
 - Building Permits and Development
 - Finance Director – Susan Zambrano
 - Law Enforcement – Chief Edland
 - High Speed Internet – Sharon Baca
 12. Presentation on the status of police services for the Town of Cross Roads.

Mayor Tompkins gave a presentation.

13. Discuss and consider appointment of the Mayor Pro Tem.
Motion to appoint Council Member Meek made by Gaalema;
Second by King;
Roll Call Vote:
Phillips – No
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed 4 to 1.

14. CONDUCT A PUBLIC HEARING, discuss and consider approval of an Ordinance approving a request by applicant Eikon Consulting Group on behalf of owner Rustic Furniture Warehouse, LLC for a change in zoning from AG – agricultural and C-2 Commercial to PD-Planned Development with a C-2 commercial base zoning for Tracts 69, 69A and 69C, of the RJ Moseley Abstract A0803A, being approximately 14.038 acres generally located at 11701, 11801 and 11901 US 380, Cross Roads, Denton County, Texas.
Convened into Public Hearing – 8:49 P.M. to 9:11 P.M.
Motion to approve made by Meek;
Second by Phillips;
Roll Call Vote:
Phillips – Yes
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed unanimously.

15. CONDUCT A PUBLIC HEARING, discuss and consider approval of a request a replat of Lots 1-3, Block C of Stone Mountain Estates, Phase 1 into Lot 1R, Block C of Stone Mountain Estates, Phase 1 being comprised of 2.0 acres and Lot 3R, Block C of Stone Mountain Estates, Phase 1 being comprised of 1.352 acres.
Convened into Public Hearing 9:12 P.M. to 9:15 P.M.
Motion to approve made by White-Stevens;
Second by Phillips;
Roll Call Vote:
Phillips – Yes
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed unanimously.

16. Discuss and consider approval of a final plat application for the Oak Hill Ranch, Phase 2 located with the Town of Cross Roads. (2021-0405-13FPLAT)
Motion to approve with construction of road made by Phillips;
Second by Meek;
Roll Call Vote:
Phillips – Yes
Meek – Yes
Gaalema – Yes
White-Stevens – Yes
Passed unanimously.

Convened into Executive Session – 9:25 P.M. to 9:45 P.M.

17. Discuss and consider an appeal to a civil penalty in the amount of \$53,550 assessed on Mr. MargaritoEspinoza and Imperial Products Supply, LLC. For removing protected trees without a permit on property located at 8801 E US 380.
Item tabled.

18. Discuss and consider an amendment to the architectural elevations for a commercial building permit application for property generally located at the northeast corner of FM 424 and US 380 for Bank of America. (2021-0308-04C)
Motion to approve made by Phillips;
Second by White-Stevens;
Roll Call Vote:
Phillips – Yes
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed unanimously.

19. Discuss and consider action on an amended technical and site plan/landscape plan for 3000 Moseley Road for 29 Acres. (2021-0308-08TSP)
Motion to approve pending final verification by engineer made by White-Stevens;
Second by Phillips;
Roll Call Vote:
Phillips – Yes
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed unanimously.

20. Discuss and consider action on building permit plans for 3000 Moseley Road, Building #900 and #1000.(2021-0308-01C and 2021-0308-02C)
Motion to approve made by Meek;
Second by Gaalema;
Roll Call Vote:
Phillips – Yes
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed unanimously.

21. Discuss and consider an application for a tree removal permit submitted by Kerry Ainsworth, representing property owner Mike Koenig, for property located at 6755 Mountain Lake Parkway. (2021-0406-03TREE)
Motion to approve made by Phillips;
Second by Meek;
Roll Call Vote:
Phillips – Yes
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes

Passed unanimously.

22. Consider a resolution appointing individuals to the Planning and Zoning Commission.
Motion to appoint Gary Daniels made by Meek;
Second by Gaalema;
Roll Call Vote:
Phillips – Yes
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed unanimously.
23. Discuss and consider action on a resolution relating to the Town of Cross Roads appointed representatives to the Northeast Police Department Commission, including the possibility of replacing current appointed members.
Motion to appoint Diane Bartek, Steven Zuczek, and Greg Gaalema made by Meek; Interim Town Administrator Kristi Gilbert asked if this included leaving Mayor Tompkins on the board. Council Member Meek indicated it did.
Second by King;
Roll Call Vote:
Phillips – No
Meek – Yes
King – Yes
Gaalema – Abstained
White-Stevens – No
Mayor Tompkins – Yes
Passed 3-2-1 with Mayor breaking a tied vote due to Council Member Gaalema’s abstention.
24. Discuss and consider approval of a resolution establishing a regular meeting schedule for 2021.
Motion to approve made by White-Stevens;
Second by King;
Roll Call Vote:
Phillips – Yes
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed unanimously.

CONSENT AGENDA

25. Consider approval of the Town monthly financial reports.
26. Consider approval of Town Council Meeting Minutes:
a. April 5, 2021 Regular Meeting
b. April 8, 2021 Joint Meeting with Krugerville
c. April 12, 2021 Visioning Meeting
d. April 19, 2021 Regular Meeting
27. Consider approval of a resolution denying the Distribution Cost Recovery Factor application proposed by Oncor.
28. Consider approval of a resolution denying the rate change application proposed by CoServ.
29. Consider approval of an ordinance providing for the creation of the Cross Roads Police Department.

30. Consider a request from Volunteer Enterprises IV, LLC to extend the construction drawings and final plat for Volunteer Enterprises Addition for an additional 180 days.
31. Discuss and consider approval of a preliminary plat application for the Pohlman Addition located within the Town of Cross Roads. (2021-0405-10PPLAT)
32. ~~Discuss and consider approval of a final plat application for the Oak Hill Ranch, Phase 2 located within the Town of Cross Roads. (2021-0405-13FPLAT)~~

**Motion to approve the Consent Agenda made by Meek;
 Second by King;
 Roll Call Vote:
 Phillips – Yes
 Meek – Yes
 King – Yes
 Gaalema – Yes
 White-Stevens – Yes
 Passed unanimously.**

EXECUTIVE SESSION – 10:46 P.M. to 12:54 P.M.

33. The Town Council will convene into Executive Session pursuant to the following:
 - a. Texas Government Code, Section 551.071 (Consultation with Town Attorney) to consult and receive legal advice from the Town Attorney relating to the establishment of the Cross Roads Police Department.
 - b. Texas Government Code, Section 551.072 - Deliberation Regarding Real Property; 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.
 - c. Texas Government Code, Section 551.074 (Personnel) to deliberate the appointment, employment, evaluation, resignation and duties of:
 1. Town Administrator
 2. Town Engineer
 3. Police Chief
 4. Town Attorney
34. Take action as may be necessary or appropriate on matters discussed in Executive session.

**Motion to approve police chief job description as presented made by Meek;
 Second by Gaalema;
 Roll Call Vote:
 Phillips – No
 Meek – Yes
 King – Yes
 Gaalema – Yes
 White-Stevens – Yes
 Passed 4 to 1.**

**Motion to ratify Max Westbrook Consultants maximum expense to an amount not to exceed \$10,000.00 made by Meek;
 Second by King;**

Roll Call Vote:
Phillips – No
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed 4 to 1.

Motion to authorize the Mayor to negotiate prospective lease space for Town facilities and sign a letter of intent made by Meek;

Second by Gaalema;

Roll Call Vote:

Phillips – Yes

Meek – Yes

King – Yes

Gaalema – Yes

White-Stevens – Yes

Passed unanimously.

Motion to approve a lateral transfer of salary and benefits for any officer made by Phillips;
Friendly amendment to specify any NEPD officer that transfers to Cross Roads made by White-Stevens;

Motioner accepted friendly amendment;

Second by King;

Roll Call Vote:

Phillips – Yes

Meek – Yes

King – Yes

Gaalema – Yes

White-Stevens – Yes

Passed unanimously.

Motion to hire Kristi Gilbert as a full-time employee made by Meek;

Second by White-Stevens;

Roll Call Vote:

Phillips – Yes

Meek – Yes

King – Yes

Gaalema – Yes

White-Stevens – Yes

Passed unanimously.

Motion to hire Halff and Associates as the Town engineering firm made by Meek;

Second by Phillips;

Roll Call Vote:

Phillips – Yes

Meek – Yes

King – Yes

Gaalema – Yes

White-Stevens – Yes

Passed unanimously.

Motion to allow the Mayor and Town Administrator to find and hire a registered sanitarian made by Meek;

Second by Phillips;

Roll Call Vote:

**Phillips – Yes
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed unanimously.**

**Motion to hire Boyle and Lowry as Town Attorney Firm made by Meek;
Second by Gaalema;
Roll Call Vote:
Phillips – No
Meek – Yes
King – Yes
Gaalema – Yes
White-Stevens – Yes
Passed 4 to 1.**

35. Request for future agenda items.
**White-Stevens asked that a contaminated stock pond off of Highway 377 and a drainage issue at Keyes Lane and Millcreek Road be investigated.
King suggested discussion of citizens' patrol.**

ADJOURN – May 18, 2021 at 1:03 A.M.

T. Lynn Tompkins, Jr., Town Mayor

Donna Butler, Town Secretary