



**NOTICE OF TOWN COUNCIL MEETING
FOR THE TOWN OF CROSS ROADS
LOCATION: VIRTUAL MEETING ONLY
MONDAY, APRIL 5, 2021 AT 7:00 P.M.**

**Topic: April 5, 2021 Town Council Meeting
Time: Apr 5, 2021 07:00 PM Central Time (US and Canada)**

Join Zoom Meeting
<https://us02web.zoom.us/j/83966519510>

**Meeting ID: 839 6651 9510
One tap mobile
+13462487799,,83966519510# US (Houston)**

1. Invocation
2. Pledge of Allegiance
3. Mayor Announcements and Updates.
4. Council Member Announcements and Updates.
5. Committee and Commissions Announcements and Updates.
6. Citizens Input for Items ON the Agenda.
Use the "Raise Your Hand" feature on Zoom, and then state your first and last name. 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.
7. Citizens Input for Items NOT on the Agenda.
Use the "Raise Your Hand" feature on Zoom, and then state your first and last name. 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. Town Council is restricted from discussing or taking action on items not posted on the agenda. Action/Discussion on your statement may only be taken at a future meeting.
8. Updates; Discussion of Same.
 - Town Administrator Announcements and Updates – Kristi Gilbert
 - Finance Director – Susan Zambrano
 - Law Enforcement – Chief Edland
 - Building Permits and Development
 - Mayor Update
9. Discuss and consider action regarding potential violations by members of the Public Safety Advisory Board concerning the Boards, Committees, and Commissions Policy, ethics, and Texas Open Meetings Act.
10. Discuss and consider a request by Danny and Barbara Prins to deannex approximately 22.7 acres of land located at 3001 New Hope Road.
11. Discussion related to overnight parking violations within the Town of Cross Roads.
12. Discuss current legislation regarding building materials and design standards.

13. 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 Northeast Police Department Interlocal Agreement with the City of Krugerville.
 - b. Texas Government Code, Section 551.074 (Personnel) to deliberate the appointment, employment, evaluation, or duties, of the Town Administrator.
14. Take action as may be necessary or appropriate on matters discussed in Executive session.
15. Staff Update on Current Projects.
16. Council requests for future agenda items.

Adjourn

Future Events and Meetings

~~All scheduled meetings are held at Town Hall.~~ All scheduled meetings are currently being held virtually by Zoom. All citizens are invited to participate; schedule may change.

- Planning and Zoning Commission Meeting – Tuesday, April 6th, 2021 at 7:00 p.m.
- Parks and Recreation Board Meeting – Wednesday, April 7th, 2021 at 7:00 p.m.
- Municipal Development District Meeting – Thursday, April 8th, 2021 at 7:00 p.m.
- Town Council Vision Meeting – Monday, April 12th, 2021 at 7:00 p.m.
- Staff Vision Meeting – Tuesday, April 13th, 2021, time TBD
- Parks and Recreation Board Vision Meeting – Wednesday, April 14th, 2021 at 7:00 p.m.
- Northeast Police Commission Meeting – Thursday, April 15th, 2021 at 7:00 p.m.
- Town Council Meeting – Monday, April 19th, 2021 at 7:00 p.m.
- Public Safety Advisory Board Vision Meeting – April 20th, 2021 at 7:00 p.m.
- Planning and Zoning Commission Vision Meeting – Thursday, April 22nd, 2021 at 7:00 p.m.
- Town Clean Up – Saturday, April 24th, 2021 at 9:00 a.m.
- Municipal Development District Vision Meeting – Monday, April 26th, 2021 at 7:00 p.m.
- Public Safety Advisory Board Meeting – Tuesday, April 27th, 2021 at 7:00 p.m.
- Staff Vision Meeting – Wednesday, April 28th, 2021, time TBD
- Town Council Vision Meeting – Thursday, April 29th, 2021 at 7:00 p.m.
- Town Council Work Session – Monday, May 3rd, 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, April 1st, 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. *MEETINGS ARE CURRENTLY BEING HELD VIRTUALLY.

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:

April 5, 2021

Agenda Item:

Discuss and consider action regarding potential violations by members of the Public Safety Advisory Board concerning the Boards, Committees, and Commissions Policy, ethics, and Texas Open Meetings Act.

Requested by:

Council Member White-Stevens
Mayor Pro Tem Bobby Phillips

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

Council Member White-Stevens and Mayor Pro Tem Bobby Phillips requested this item be added for Council consideration. Attached for your reference is the Town's Board, Commission and Committee Policy adopted via Resolution 2020-1116-02 as well as Resolution 2021-0119-01 establishing the Public Safety Advisory Board.

Fiscal Impact:

None

Recommended Action:

N/A

Attachments:

Board Commission and Committee Policy for the Town of Cross Roads
Resolution 2021-0119-01 Establishing the Public Safety Advisory Board

RESOLUTION NO. 2020-1116-02

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CROSS ROADS, TEXAS, ADOPTING A WRITTEN POLICY REGARDING QUALIFICATIONS FOR MEMBERSHIP ON TOWN BOARDS, COMMISSIONS AND COMMITTEES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Cross Roads, Texas, finds and determines that it is advisable and in the best interest of the citizens of the Town to adopt a policy regarding qualifications for membership for council-appointees on Town boards, commissions and committees, as set forth in Exhibit "A," attached to this Resolution.

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


SECTION 1. That the Board, Commission and Committee Policy ("Policy") of the Town of Cross Roads, Texas, attached hereto as Exhibit "A," be and the same is hereby adopted and shall serve as a guideline for the evaluation and appointment by the Town Council of membership on, and the conduct of, Town boards, commissions and committees.

SECTION 2. That the Policy adopted herein is not intended to and shall not supersede any provision of state law or town ordinance if in conflict. As guidelines, the Council may make exceptions to the Policy when deemed necessary or appropriate by the Council.

SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution which shall remain in full force and effect.

SECTION 4. That this resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY PASSED by the Town Council of the Town of Cross Roads, Texas, on the 16th day of November, 2020.



Mayor

ATTEST:



Town Secretary

Boards, Committees and Commissions Policy of the Town of Cross Roads, Texas

The Town Council of the Town of Cross Roads, Texas, has created a series of advisory boards, committees and commissions to assist in town government by performing such duties as the Council may specify. The work done by citizens serving on boards, committees and commissions is a vital part of the work of the Town. Such individuals provide time, expertise, experience and unique perspectives that might otherwise be lacking should the Town rely strictly on its appointed and elected officials or its consultants. Advisory boards, committees and commissions advise the council on public policy, provide creative ideas, provide feedback from the community, and serve as a sounding board for proposed public policy. To ensure consistency, expertise, and motivation, the Town Council has adopted this Policy to serve as guidelines for appointments to Town boards, committees and commissions.

The following boards, committees and commissions are final decision-making bodies: Board of Adjustments, Municipal Development District, Northeast Police Department and Cross Roads P.I.D. #2. Their makeup, duties and powers are defined by separate legal documents.

1. The Council will specify responsibilities and scope of authority of each of its boards, committees and commissions in the form of an ordinance or resolution (with the exception of the Board of Adjustments, Municipal Development District, Northeast Police Department and Cross Roads P.I.D. #2. Their makeup, duties and powers are defined by separate legal documents.). The number and qualifications of each boards', committees' and commissions' membership shall be specified and it shall include the total number of voting members.

2. Qualifications of voting membership each voting member of a Town board, committee or commission shall meet the following requirements:

- a) A member shall be a resident of the Town of Cross Roads and must have resided in the Town for at least 6 months prior to appointment;
- b) A member shall be at least 18 years of age;

3. Non-voting Appointees. The Council may, in its discretion, appoint non-residents to serve on a board, committee or commission, if the board, committee or commission is advisory in its role. The total number of non-voting members shall not exceed 25% of the total make-up of the board, committee, or commission (see notes below).

4. Members of boards, committees and commissions shall not be in arrears for any fines, fees or payments due to the Town of Cross Roads. The Town Secretary shall affirm that any applicant is not in arrears for any fines, fees or monies owed to the Town of Cross Roads.

5. Persons seeking appointment must complete an official application prior to consideration for appointment. All board, committee and commission members shall take an oath of office and complete the Open Meetings Act training within 90 days of appointment.

6. Appointment process.

Appointments/reappointments shall be made by the council in the month of June or the month following the month in which a position becomes vacant. Upon the creation of a new board, committee or commission, the initial membership shall have staggered terms determined by lottery. Each position shall be numbered, odd numbered positions shall serve an initial term

of 2 years and even numbered positions shall serve an initial term of 1 year. The number of regular and alternate members shall be specified for each board, committee or commission by the Town Council.

A list of all boards, committees and commissions shall be maintained by the Town's Secretary and shall indicate the names of each member, the date of appointment, and the term of the appointment. There shall be no term limits imposed on appointees unless a term limit is established for council members and mayor. If a term limit is enacted the same shall apply for all boards, committees and commissions.

7. Members of boards, committees and commissions shall serve without compensation and shall serve at the pleasure of the Town Council; a member may be removed at any time by majority vote of the Town Council. Membership on a Town board, committee or commission is in the nature of a public office; it is a privilege to serve, not a right to office.

8. Removal. All members of boards, committees and commissions shall serve at the pleasure of the Council, and no person shall have any right, entitlement or property interest in service. Removal from office shall be by majority vote of the town council. Removal by absence is in accordance with the following:

- a) A member of a board, committee or commission who misses 3 consecutive scheduled meetings (when the board, committee or commission regularly meets on a monthly basis) or more than 50% of all meetings in a calendar year is subject to removal, unless the absence is otherwise first excused.
- b) A member of a board, committee or commission who misses 2 consecutive scheduled meetings (when the board, committee or commission or regularly meets quarterly) or more than 50% of all meetings in a calendar year is subject to removal, unless the absence is otherwise first excused.

9. Holdover. In the event that an appointment has not been made to fill a vacant seat, to reappoint a member for an additional term, or if a vacancy in office exists due to disqualification for any reason other than a final conviction for a felony offense, the member shall hold over in office and shall exercise the duties of office until a successor has been appointed and seated.

10. Meetings.

- a) Each board, committee or commission shall determine its own rules and order of business and meet at a minimum of quarterly. All meetings shall be open to the public and shall be conducted pursuant to the Texas Open Meetings Act.
- b) Each board, committee or commission shall appoint a chairperson, a vice chairperson and a secretary from among its membership annually.
- c) A majority of a board, committee or commission members will constitute a quorum, with the exception of the Board of Adjustment, and a quorum may be met by any combination of regular and alternate members.
- d) Each board shall maintain a permanent record of its proceedings.
- e) The absence of any member from any meeting shall be so stated in the minutes of the meeting. In the absence of a quorum for a meeting, the chairperson will submit or cause to have submitted a report to the town council stating the names of the members who were absent.

11. Alternate Members. Each board, committee or commission shall have any number of alternate voting members as may be appointed by the Town Council. An alternate voting member is bound by the same rules that apply to regular voting members including but not limited to attendance requirements. Alternate members shall have no vote in matters coming before the board, committee or commission but may participate in deliberations; provided, however, that an alternate member may vote when sitting in the place of an absent regular member. Upon the absence of a regular member, the chair or the mayor shall select an alternate member to preside in the place of the absent regular member.

12. Ethics; Conflicts. Service on a board, committee or commission is in the nature of public office; the conduct of all public officials is a reflection of Town government. It is expected that all members of Town boards, committees and commissions will conduct themselves at all times in a professional and ethical manner. Any regular or alternate member shall recuse him/herself and shall abstain from all participation in any matter in which the member may have a conflict of interest.

Notes:

A 5-member board, committee or commission may have 1 additional non-voting member
A 6-member board, committee or commission may have 1 additional non-voting member
A 7-member board, committee or commission may have 1 additional non-voting member
An 8-member board, committee or commission may have 2 additional non-voting members
A 9-member board, committee or commission may have 2 additional nonvoting members
A 10-member board, committee or commission may have 2 additional non-voting members
A 11-member board, committee or commission may have 2 additional non-voting members
A 12-member board, committee or commission may have 3 additional non-voting members

RESOLUTION NO. 2021-0119-01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CROSS ROADS, TEXAS, CREATING AND ESTABLISHING A PUBLIC SAFETY ADVISORY BOARD; SPECIFYING THE BOARD'S DUTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Cross Roads, Texas, finds and determines that it is advisable and in the best interest of the citizens of the Town to create and establish a Public Safety Advisory Board to serve in an advisory manner and does so by this Resolution.

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

SECTION 1. That the Town Council does hereby create and establish the Public Safety Advisory Board (the "Board") of the Town of Cross Roads, Texas, to serve in an advisory capacity, and to assume the duties and perform the functions enumerated hereinafter.

SECTION 2. That the Board shall consist of 6 regular members and 2 alternate members, with each Town Council member and the Mayor appointing a representative. None of the regular members or alternate members shall be active officers or owners of any of the current organizations serving the Town of Cross Roads in any Public Safety Capacity (Police, Fire, or Emergency) or a current member of the Northeast Police Department Commission. Alternate members will be appointed by Town Council. Alternate members may participate in deliberations but shall not vote unless serving in the place of an absent regular member at the request of the Board's chairperson or the Mayor. A quorum shall be a simple majority of members present. All members shall serve at the pleasure of the Town Council and Mayor. The Board shall have the following powers and duties:

- 1) To act only in an advisory capacity to the Town Council, Mayor and Town staff.
- 2) To acquaint itself with the three major components of public safety: police, fire and ambulance services.
- 3) To provide balanced input into the building of a public safety building regarding priorities of services, building location, public safety building plans and budget.
- 4) To gather, analyze, and provide consolidated resident input to the Town Council and Mayor to inform decisions, to assist in the dissemination of information via notices to HOAs, Town Facebook account, Town e-mail blasts, Town events etc.
- 5) To advise the Town Council and Mayor of recommendations pertaining to all aspects of public safety including balanced input into annual budgets and their reasons;
- 6) To gather and analyze data regarding but not limited to public safety service levels, response times and activity, peer comparative salary and benefit and service levels
- 7) To request information from and the presence of each of the Current Public Safety Chiefs/Department Heads (Police, Fire and Emergency) at their Meetings as needed
- 8) To perform such other duties as the Town Council may prescribe.

SECTION 3. That the Board shall meet at least on a quarterly basis and shall follow the guidelines set forth in the Boards, Boards and Commissions Policy of the Town.

SECTION 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this Resolution be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Resolution which shall remain in full force and effect.

SECTION 5. That this resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

DULY PASSED by the Town Council of the Town of Cross Roads, Texas, on the 19th day of January, 2021.



T. Lynn Tompkins, Jr., Mayor Cross Roads, Texas

ATTEST:



Town Secretary



COUNCIL AGENDA BRIEFING SHEET

Meeting Date:

April 5, 2021

Agenda Item:

Discuss and consider a request by Danny and Barbara Prins to deannex approximately 22.7 acres of land located at 3001 New Hope Road.

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

Applicant's Danny and Barbara Prins submitted a letter requesting disannexation in accordance with Section 43.144 of the Texas Local Government Code in December 2020. The Council discussed the item at their March 1, 2021 work session. Enclosed is a copy of their request and description of the subject property. Mr. Prins indicated his desire to disannex was to allow him to construct an accessory building without the need to comply with the Town's tree regulations or setback requirements. Staff met with Mr. Prins on March 29, 2021 to discuss his plans and proposed location of the accessory building. Attached is an email summarizing the meeting. Mr. Prins preferred location would requires a variance before the Board of Adjustments to reduce the rear setback to five (5) feet.

Section 43.144 indicates a governing body may discontinue an area as part of a municipality under certain circumstances, which this property appears to meet; however, the Town is not required to deannex the property. If the Council votes to approve the request to deannex, an ordinance would be prepared and presented at the April 19, 2021 Council meeting.

Fiscal Impact:

If the request is granted, there will be costs associated with legal review of the deannexation ordinance and redrawing maps to reflect new town boundaries. These costs are unknown at this time.

Recommended Action:

The Council has the following options:

Authorize Staff to prepare a deannexation ordinance and schedule it for the next regular Town Council meeting;

Deny the request for deannexation; or,

Take no action.

Attachments:

Request to Deannex

Staff Memo Email

Danny L. & Barbara R. Prins

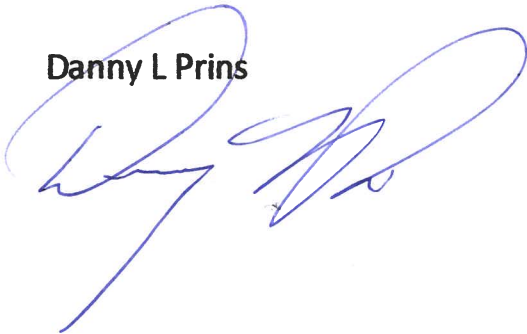
3001 New Hope Rd

Dear Sir:

In accordance with: LOCAL GOVERNMENT CODE, CHAPTER 43. MUNICIPAL ANNEXATION, Sec. 43. 144. DISANNEXATION OF SPARSELY POPULATED AREA IN GENERAL-LAW MUNICIPALITY, we hereby request to be disannexed from the town of Cross Roads.

- (1) The area consists of 22.7 acres contiguous to the town
- (2) (B) The area contains fewer than one occupied residence or business structure for every 2 acres and fewer than three occupied residences or business structures on any one acre.

Danny L Prins



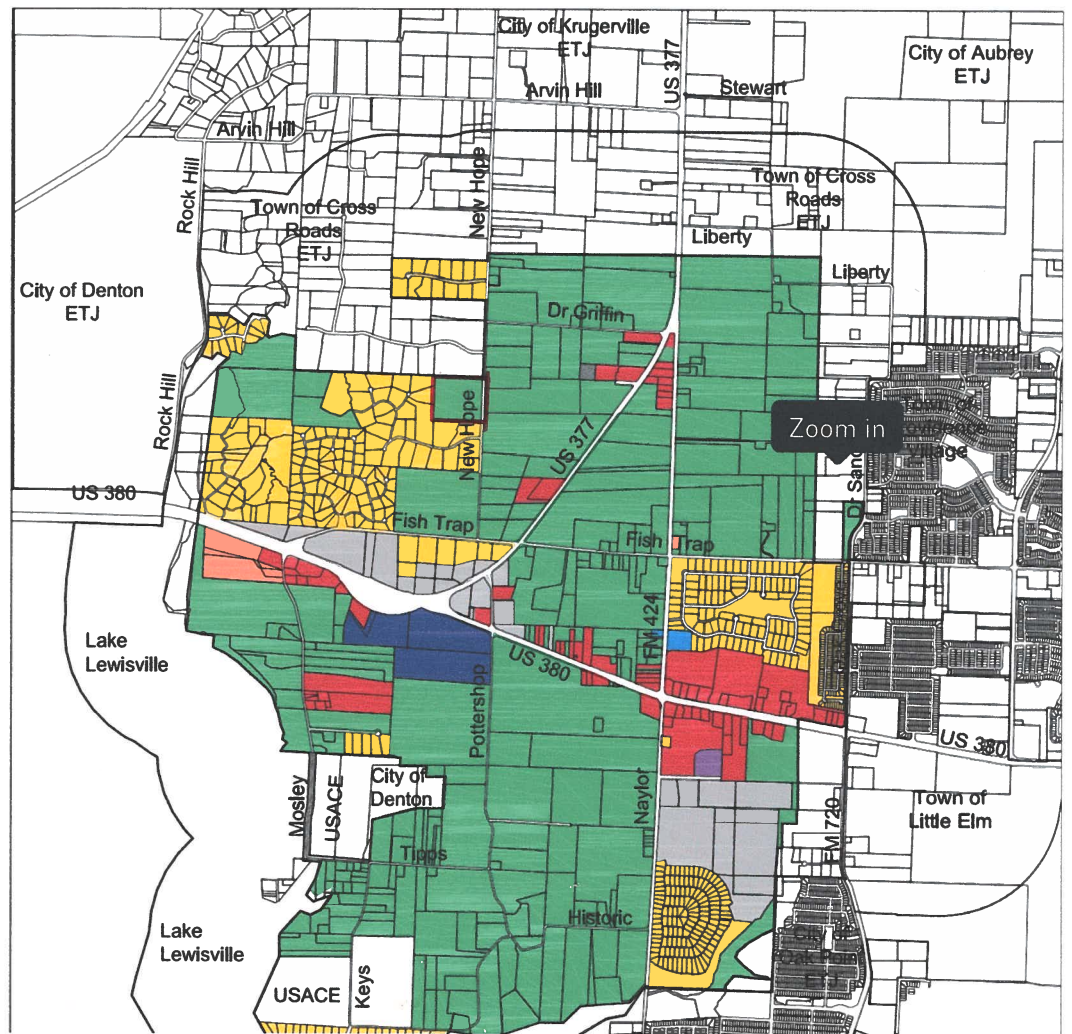
Barbara R Prins





DRAFT-TownCLU Map, 09-2020.pdf

View In App





LOCAL GOVERNMENT CODE

TITLE 2. ORGANIZATION OF MUNICIPAL GOVERNMENT

SUBTITLE C. MUNICIPAL BOUNDARIES AND ANNEXATION

CHAPTER 43. MUNICIPAL ANNEXATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 43.001. DEFINITIONS. In this chapter:

(1) "Extraterritorial jurisdiction" means extraterritorial jurisdiction as determined under Chapter 42.

(2) Repealed by Acts 2019, 86th Leg., R.S., Ch. 155 (H.B. 347), Sec. 1.01, eff. May 24, 2019.

(3) Repealed by Acts 2019, 86th Leg., R.S., Ch. 155 (H.B. 347), Sec. 1.01, eff. May 24, 2019.

(4) Repealed by Acts 2019, 86th Leg., R.S., Ch. 155 (H.B. 347), Sec. 1.01, eff. May 24, 2019.

(5) Repealed by Acts 2019, 86th Leg., R.S., Ch. 155 (H.B. 347), Sec. 1.01, eff. May 24, 2019.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2017, 85th Leg., 1st C.S., Ch. 6 (S.B. 6), Sec. 1, eff. December 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 155 (H.B. 347), Sec. 1.01, eff. May 24, 2019.

Sec. 43.002. CONTINUATION OF LAND USE. (a) A municipality may not, after annexing an area, prohibit a person from:

(1) continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or

(2) beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the annexation if:

owes any debts, by bond or otherwise, the area is not released from its pro rata share of that indebtedness. The governing body shall continue to levy a property tax each year on the property in the area at the same rate that is levied on other property in the municipality until the taxes collected from the area equal its pro rata share of the indebtedness. Those taxes may be charged only with the cost of levying and collecting the taxes, and the taxes shall be applied exclusively to the payment of the pro rata share of the indebtedness. This subsection does not prevent the inhabitants of the area from paying in full at any time their pro rata share of the indebtedness.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 43.144. DISANNEXATION OF SPARSELY POPULATED AREA IN GENERAL-LAW MUNICIPALITY. (a) The mayor and governing body of a general-law municipality by ordinance may discontinue an area as a part of the municipality if:

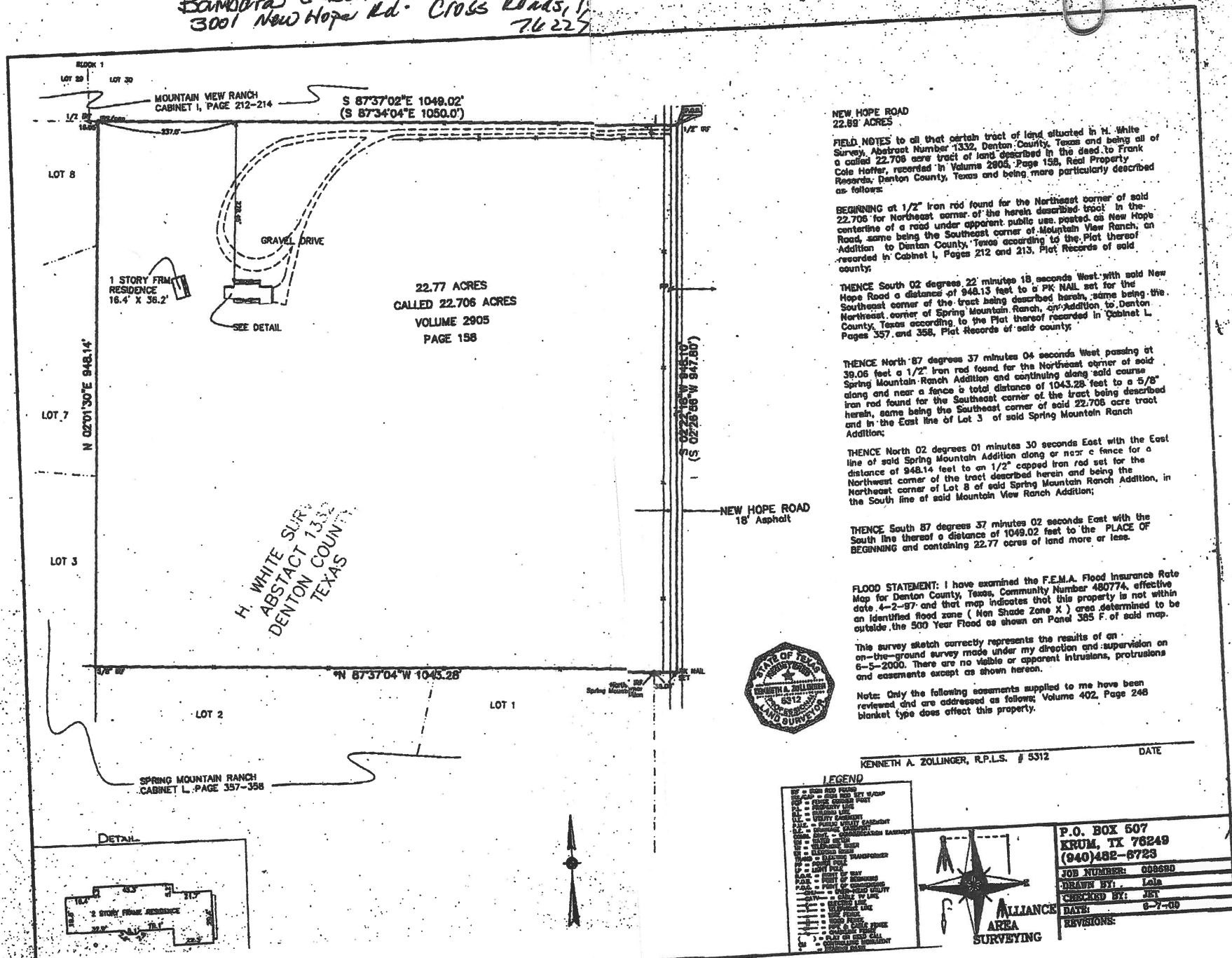
- (1) the area consists of at least 10 acres contiguous to the municipality; and
- (2) the area:
 - (A) is uninhabited; or
 - (B) contains fewer than one occupied residence or business structure for every two acres and fewer than three occupied residences or business structures on any one acre.

(b) On adoption of the ordinance, the mayor shall enter in the minutes or records of the governing body an order discontinuing the area. The area ceases to be a part of the municipality on the date of the entry of the order.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 43.145. DISANNEXATION OF UNIMPROVED AREA OR NONTAXABLE AREA IN CERTAIN MUNICIPALITIES. (a) The governing body of a municipality by ordinance may discontinue an area as a part of the municipality if:

- (1) the municipality has a population of 4,000 or more and



From: Rodney Patterson r.patterson@crossroadstx.gov
Subject: Prins property visit.
Date: March 29, 2021 at 2:35 PM
To: Kristi Gilbert k.gilbert@crossroadstx.gov

RP

I met with Dan Prins early this afternoon and his desire is still to be de-annexed from the Town. He stated that he does not like to ask for special permission and he would rather be in the County where the restrictions are less. However, I did go over his planned location for the barn and his desire is to locate the structure 5' from his North property line. Unfortunately, this would require a variance. His reasoning for this location is the fact that the 15' setback would put the building too close to an existing structure and reduce the width of access between the 2 buildings. He has farm machinery that would not clear the opening between buildings. The adjacent property that could be affected is property to the North of his location and is located in the County. This property currently has a loafing shed within 3' of Mr. Prins' property line.

Mr. Prins could shift his building to the west in order to provide a wider access. However, this would require the removal of 10-15 trees of which 3 are Post Oak trees which are greater than 18" DBH. Should the building be built in the desired location, there will still be 8-12 trees that will need to be removed. However, none of these trees would be greater than 18" DBH. As a part of his building permit, he would also like to remove several dead trees on his property, at least one of which will be greater than 18" in diameter. However, in the past, the Mayor has approved removal of 18" or greater trees that are truly dead without requiring approval by Council.

He asked if his permit would still need to go through P&Z and Council and I advised him that the Variance would require Council approval, however, the actual permit would be approved at staff level.

Let me know if you have any additional questions.

Thanks,

Rodney



COUNCIL AGENDA BRIEFING SHEET

Meeting Date:

April 5, 2021

Agenda Item:

Discussion related to overnight parking violations within the Town of Cross Roads

Requested by:

Council Member White-Stevens

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

At the February 22, 2021 Council Meeting, a future agenda item was requested Council Member White-Stevens with regard to the overnight parking activities taking place at the Shell Work Session where staff provided input that the current ordinance is difficult to enforce. Additionally, Staff has been in contact with the property owner to address a number of outstanding issues on the property.

Council Member White-Stevens has provided samples of language for proposed changes to the Town's regulations included for your reference.

Fiscal Impact:


None

Recommended Action:

This is for discussion purposes only.

Attachments:

Proposed Changes from Council Member White-Stevens
Current Regulations

From: W.white-stevens@crossroadstx.gov 
Subject: Draft and proposal: Overnight parking ordinance
Date: March 22, 2021 at 2:14 PM
To: Kristi Gilbert k.gilbert@crossroadstx.gov
Cc: Mayor Tompkins l.tompkins@crossroadstx.gov



All council members on BCC

Hi Kristi,

Happy Monday. I would like to start our conversation around an updated parking ordinance by proposing we draft a commercial vehicle parking ordinance. After reviewing the parking ordinances for several towns in NTX I believe it would best serve our intentions to create a separate ordinance addressing commercial vehicle parking. I have pulled the following information from Allen, TX and made edits directly below to their published ordinance. At the bottom of the email I have shared the current location in our ordinances where there is an attempt to address the overnight parking of commercial vehicles and my thoughts along with a proposed edit.

As published for the City of Allen

Sec. 9-229. - Parking of commercial vehicles.

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTIONCOMPARE VERSIONS](#)

A person commits an offense if the person stops, parks or stands any commercial vehicle, house trailer, special mobile equipment, farm tractor or implement of husbandry, or trailer upon any public street, alley, right-of-way or public space within the city. This section shall not apply to street construction, maintenance, and repair equipment; trucks, equipment, trailers, and vehicles used by public service utility companies engaged in repairing or extending public service utilities; motor busses when taking on or discharging passengers at customary bus stops; other vehicles when actually parking at a designated loading zone, or where it is lawful to park a commercial motor vehicle for the purpose of accepting or delivering transportable goods; or a vehicle with a mechanical defect, making it unsafe to proceed further, in which event, it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs.

Proposed edits for Cross Roads: A person commits an offense if the person stops, parks or stands any commercial vehicle, house trailer, special mobile equipment, farm tractor or implement of husbandry, or trailer upon any public street, alley, right-of-way, any paved surface not striped for parking, unpaved surface, or public space within the city. It shall be unlawful for any person to park or stand any commercial vehicle upon any public street, alley, any paved surface not striped for parking, unpaved surface, or in public right-of-way within the city at any time for a duration exceeding sixty (60) minutes from thirty (30) minutes after sunset until thirty (30) minutes before sunrise. This section shall not apply to street construction, maintenance, and repair equipment; trucks, equipment, trailers, and vehicles used by public service utility companies engaged in repairing or extending public service utilities; motor busses when taking on or discharging passengers at customary bus stops; other vehicles when actually parking at a designated loading zone, or where it is lawful to park a commercial motor vehicle for the purpose of accepting or delivering transportable goods; or a vehicle with a mechanical defect, making it unsafe to proceed further, in which event, it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs.

Help with wordmithing: I used the phrase "any paved surface not striped for parking"

help with wordsmithing: I used the phrase "any paved surface not striped for parking" to capture the unmarked parking on paved surfaces. Side note, I had to keep reminding myself that this is for commercial vehicles only.

Current Town of Cross Roads Ordinance that attempts to address overnight parking of trucks at the gas station:

As published

Sec. 8.09.003 Loitering, panhandling and sleeping in public places

(a) It shall be unlawful for any person to loiter or remain in a public transportation facility, public park or public place, when such loitering is accompanied by activity or is under circumstances:

(1) That would warrant a reasonable person to believe that the purpose or effect of the loitering is in furtherance of street gang-related activities;

(2) That intimidates others from entering those areas;

(3) In which illegal activity is being conducted or concealed, including but not limited to aggressive panhandling; or

(4) That causes a reasonable person to feel distress and alarm for the safety and well-being of persons or the security of property in the immediate or surrounding area.

(b) It shall be unlawful for any person to loiter or to remain in a public place or within 50 feet of an automated teller machine, the entrance or exit of a bank, credit union, or other similar financial institution, an exterior public pay telephone, or a self-service fuel pump, for the purpose of aggressive panhandling.

(c) It shall be unlawful for any person to sleep in a public transportation facility, a public place, a vacant lot, or a street, alley or park, unless the person owns the property or has the consent of the owner of the property to sleep at that location. (Ordinance 2014-0317-01 adopted 3/17/14)

(d) It shall be unlawful for any person to cause, allow or permit an occupied motor vehicle to remain parked or standing in a parking lot overnight. For the purposes of this subsection, "overnight" means remaining in the parking lot continuously between the hours of 11:00 p.m. to 6:00 a.m. of the following day. This offense is stated to be a strict liability offense; in the prosecution of an offense under this subsection, no pleading or proof of any mental state, including intentionally or knowingly, shall be required. (Ordinance 2019-0520-01 adopted 5/20/19)

Proposed edit: Strike D. It does not adequately serve the intended purpose, which was commercial vehicles parking overnight. By passing a separate commercial vehicle parking ordinance, and striking sub-section D, any issues of sleeping in a public place is covered in sub-section C.

Alternatively, if it is decided to keep (d) here is a proposed edit: It shall be unlawful for any person to cause, allow or permit an occupied motor vehicle to remain parked or standing in a parking lot overnight. For the purposes of this subsection, "overnight" means remaining in the parking lot for an extended period of time from thirty (30) minutes after sunset until thirty (30) minutes before sunrise. This offense is stated to be a strict liability offense; in the prosecution of an offense under this subsection, no pleading or proof of any mental state, including intentionally or knowingly, shall be required.

Notes: I am not concerned about utilizing the subjective wording of "extended period of time" because the officers with the NEPD are fair and reasonable. Historically we do not have an issue with private vehicles parking overnight and I don't foresee this becoming an issue. If it does, this ordinance would allow liberties for law enforcement to act as they

see fit. Overall, my preference is to simply strike sub-section (d).

Thank you,

Wendy White-Stevens
Parks & Recreation Board Council Liaison

 [Facebook](#)



ARTICLE 8.09 DISRUPTIVE BEHAVIOR IN PUBLIC PLACES



Sec. 8.09.001 Definitions

For the purposes of this article, the following words shall have the following meanings, except where the context clearly indicates a different meaning.

Aggressive panhandling. The solicitation or request for something of benefit without consideration and for personal gain, in an intimidating, aggressive, or abusive manner, and includes but is not limited to soliciting money or something of benefit by approaching or following pedestrians, repetitive soliciting despite refusals, soliciting persons under the age of 16 years, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, or the intentional blocking of pedestrian or vehicular traffic.

(Ordinance 2014-0317-01 adopted 3/17/14)

Parking lot. An area used for the parking of motor vehicles on public or private property to which the public or a substantial group of the public has access. (Ordinance 2019-0520-01 adopted 5/20/19)

Public place. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities, and shops.

Public transportation facility. An area officially marked and designated as a place to wait for a bus, train, a light rail vehicle, taxi, or any other vehicle used for public transportation.



Sec. 8.09.002 Disruptive behavior prohibited

(a) A person commits an offense if the person, alone or in concert with others, intentionally or knowingly engages in disruptive activity in a public place or public transportation facility.

(b) For purposes of this section, disruptive activity is:

- (1) Obstructing or restraining the passage of persons in an exit, entrance, hallway, street, sidewalk, waiting area, parking lot or park without authorization of an authorized public official;
- (2) Harassing or intimidating other persons who are using a public facility or in a public place;
- (3) Engaging in activities, individually or in concert with others, that impair, hinder or prevent the normal use of an exit, entrance, hallway, street, sidewalk, or parking lot;

(4) Making noise within or outside of a building of an intensity or volume that prevents or hinders the use of the building or that disturbs the peace and comfort of occupants of the building; or

(5) Defacing, scratching, marring or otherwise causing damage to public property, including but not limited to, benches, signs, walls, brickwork, tables, chairs, and statuary.



Sec. 8.09.003 Loitering, panhandling and sleeping in public places

(a) It shall be unlawful for any person to loiter or remain in a public transportation facility, public park or public place, when such loitering is accompanied by activity or is under circumstances:

(1) That would warrant a reasonable person to believe that the purpose or effect of the loitering is in furtherance of street gang-related activities;

(2) That intimidates others from entering those areas;

(3) In which illegal activity is being conducted or concealed, including but not limited to aggressive panhandling; or

(4) That causes a reasonable person to feel distress and alarm for the safety and well-being of persons or the security of property in the immediate or surrounding area.

(b) It shall be unlawful for any person to loiter or to remain in a public place or within 50 feet of an automated teller machine, the entrance or exit of a bank, credit union, or other similar financial institution, an exterior public pay telephone, or a self-service fuel pump, for the purpose of aggressive panhandling.

(c) It shall be unlawful for any person to sleep in a public transportation facility, a public place, a vacant lot, or a street, alley or park, unless the person owns the property or has the consent of the owner of the property to sleep at that location.

(Ordinance 2014-0317-01 adopted 3/17/14)

(d) It shall be unlawful for any person to cause, allow or permit an occupied motor vehicle to remain parked or standing in a parking lot overnight. For the purposes of this subsection, “overnight” means remaining in the parking lot continuously between the hours of 11:00 p.m. to 6:00 a.m. of the following day. This offense is stated to be a strict liability offense; in the prosecution of an offense under this subsection, no pleading or proof of any mental state, including intentionally or knowingly, shall be required. (Ordinance 2019-0520-01 adopted 5/20/19)



COUNCIL AGENDA BRIEFING SHEET

Meeting Date:

April 5, 2021

Agenda Item:

Discuss current legislation regarding building materials and design standards.

Requested by:

Council Member White-Stevens

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

At the March 15, 2021 Council Meeting, a future agenda item was requested Council Member White-Stevens with regard to an update on any bills filed related to building standards.

Staff reviewed bills that impact municipalities with regard to building standards and identified House Bill 233 (HB 233) filed by Representative Murr from Kerrville. HB 233 is attached for your reference and simply states that the provisions of Chapter 3000 of the Government Code (created via the adoption of House Bill 2439 in 2019) do not apply to a municipality with a population of less than 25,000. As of March 25, 2021, HB 233 has been assigned to State Affairs and has not yet been scheduled for a hearing.

Fiscal Impact:

None

Recommended Action:

This is for discussion purposes only.

Attachments:

HB 233

By: Murr

H.B. No. 233

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of the prohibition on governmental entities adopting certain regulations governing the use of certain building products, materials, or methods.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 3000, Government Code, is amended by adding Section 3000.0015 to read as follows:

Sec. 3000.0015. APPLICABILITY. This chapter does not apply to a municipality with a population of less than 25,000.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.



COUNCIL AGENDA BRIEFING SHEET

Meeting Date:

April 5, 2021

Agenda Item:

Staff Update on Current Projects

Prepared by:

Kristi Gilbert, Interim Town Administrator

Description:

Attached is a tracking report of current projects that have been requested by the Town Council, boards, committees or identified by staff. It is designed to have a brief snapshot of the status of current projects and allow for the Council to determine if Staff should reprioritize certain efforts. The goal is to have this at each Council Work Session prior to future agenda items. The intention is that this will be the only meeting this briefing sheet will be included.

Fiscal Impact:

None

Recommended Action:

This is for discussion purposes only.

Attachments:

Current Project Schedule as of March 25, 2021

Pending Project List as of 3/25/21

Date Requested	ID Number	Requested By	Project/Item	Priority	Scheduled for	Notes	Status
1/4/21	2021-001	White-Stevens	Plat Regulations	High	4/5 to review	Reviewing as time allows	In Process
1/15/21	2021-002	Gaalema	Identify long term solution for fire and EMS	High	PSAB Meetings	PSAB appointed to review	In Process
1/15/21	2021-004	Gaalema	Centralized Down Town	Med			Not Started
1/15/21	2021-005	Gaalema	High Speed Internet	High	1/29/21 Com. Mtg; 3/4 Com	Committee formed, working with Nextlink	In Process
1/18/21	2021-007	White-Stevens	Dual Commercial Use for Land Use Plan	Med	2/1/2021, adopted 3/15	Discussed at 2/1/21 Council; can bring up at plan review in March	Completed
1/22/21	2021-010	Kristi	CARES Act Money	High		County Contact 1/26; 2/11; Commissioners to discuss 3/2; informed 3/11 that Town will receive balance of \$111,000, revised budget forwarded to county 3/16, funds received 3/23	Completed
1/25/21	2021-016	Mayor	Complete Comp Plan	High	3/1 PZ & 3/15 Council	Approved at 3/1 P&Z, Map approved at 3/15 Council, will need updates	Completed
1/25/21	2021-017	Mayor	RFQ for Keys Ln/Mill Creek	Med		Emailed Draft RFQ to Mayor on 2/8/21, response on 3/8, advertised for 3/12 w/ bid opening 4/8, tied to 2021-024	In Process
1/29/21	2021-023	Kristi	Update Zoning Map	High	3/15 Council Adopted		Completed
2/11/21	2021-028	MDD Board	Website Update	High		MDD authorized expenditure on 2/11, budget amendment on 2/25, executed contract on 3/9, sent email to MDD & Council 3/11 on sample sites	In Process

Pending Project List as of 3/25/21

2/22/21	2021-033	Mayor	Return to Public Meetings	High	n/a	Donna Researching Zoom, Susan researching partitions, rec'd partitions 3/9, test equipment 3/10, reached out to The Core 3/23 with description of challenges	Assigned
2/23/21	2021-036	Kristi	Reopening Town Hall	Med		Assigned purchasing equipment to Susan, reorder supplies 3/10 because one shield was damaged, shields installed 3/25	Assigned
2/26/21	2021-039	Kristi	Create Quarterly Sales Tax Reports for Council and MDD	Med			Not Started
2/23/21	2021-041	White-Stevens	Overnight Parking Ordinance	Med	3/1 Council; 3/15 Council; 4/5 Council	Req at 2/22 Council, discussed at 3/1 Council, speak with Berman and Chief on enforceable regulations for 3/15 meeting (find way to allow RVs in Walmart Parking lot), put on hold to enforce other ways see 2021-043	In Process
3/2/21	2021-042	Vision Planning	Form on Website for Community Input	High		To be provided by Debbie Womack	Completed
3/1/21	2021-043	Council	Research Shell/Exxon Station for Certificate of Occupany and what are allowed uses	Med		No current CO; review status and sent email to owners 3/8, meeting scheduled for 3/11, follow up with owners on pole sign, plat and SUP status	In Process

Pending Project List as of 3/25/21

3/1/21	2021-044	Council	Amend Zoning Regulation - ARC	Med	3/15 Council, PH 4/5 PZ & 4/19 Council	Amend regulations to remove ARC, look at ways to handle architectural standards, requires P&Z recommendation and public hearing	In Process
3/1/21	2021-045	Council	Review tree removal regulations for 20+ acres or more	Med	4/5 Council agenda	Assist with agricultural property owners - look at unintended consequences with clear cutting before lot is sold to developer	Not Started
3/9/21	2021-050	Kristi	Purchasing Policy	Med		Assigned to Susan 3/9 w/ 3/25 due date, review and schedule for 5/3 Council WS	In Process
3/15/21	2021-052	Mayor & WWS	Articulation and landscape standards in zoning regulations	Med		Schedule for Council review, keep track of legislation relating to subject	In Process
3/12/21	2021-053	Kristi/Mayor	Unpermitted Tree Kill	High		Sent letter on civil penalties on 3/22, prosecutor working on charging instruments for court	In Process
3/15/21	021-055	WWS	Update on Legislation for building standards	High	4/5/21		In Process