MEMORANDUM

October 11, 2022

DATE:

TO: CC:	Mayor & City Council Mercy Rushing, City Manager
FROM:	David Madsen
SUBJECT:	Council Meeting Agenda Item: agreement to fund remaining Radio Tower Project.
Background Information:	
As you know, the city received a grant from ETCOG to fund a new radio communications tower. There have been several issues that has held up the project. This has caused the City to ask for an extension of the grant. The grant was extended until December 31, 2022. We have asked for another two months but may not get it. There is however, the possibility of getting reimbursed for money that has already been spent. This requires that the Council agrees to fund the rest of the project on their own if we don't get the additional extension or we don't meet the extension that was given to us. The remaining funding is \$120,000. I have included a timeline of events for this project. I have also attached a list of the individuals that have filed a Pleading of Concern with the FCC and their comments. This is all public information that was downloaded from the FCC ASR application website.	
Recommendation:	
Final Disposition:	
Motion:	
Second:	
Pass/Fail:	

This is a timeline of events that have transpired with the new communications tower project and why the project has stalled with the FCC. Most of the issues that occurred have worked themselves out and did not cause any delays that were of concern. There is only one issue that has caused problems and there is a strong possibility that it will cause the city to lose the grant funding for this project or only receive partial payment.

- Since 2015, the Police Chief and I have discussed the need to relocate our radio equipment from our current location. There are some issues with the tower that sometimes cause radio interference problems with police and fire communication. We had had some previous issues with leasing tower space and wanted to try and build our own tower on city property but the city could not afford the project.
- In 2017, we had heard that Sudden Link would eventually dismantle the tower because they did
 not use it any longer. I contacted them and inquired about purchasing the tower and property.
 We received no response.
- In 2018, I was contacted by a third party company doing research on the tower and was advised that it was so they could sell the property. We never heard anything from Sudden Link on the matter. In May of 2019 I was contacted by Sudden Link on unrelated matters and inquired again about the purchase. During that time, we had a tower company do a preliminary inspection to see what needed to be done to get it FCC compliance. We received a preliminary price of \$20,000 just to for some basic repairs.
- In August of 2019 I got a response from Sudden Link that they would not sell.
- In 2020, we received notice that there was a grant opportunity for tower funding. ETCOG applied for the grant and we were awarded the grant. At that time, I started looking for property to place the tower.
- The first issue dealt with the first proposed location. This occurred on June 24, 2021 when the
 FCC sent a Notice of Preliminary Findings limiting the overall height to 630 feet above sea level.
 This was because of the proximity to our local airport. This height would not have been enough
 to get the coverage we needed for radio communications. Our current overall height is 708 feet
 above sea level with a tower height of 246 feet.
- The first event caused the city to look for another location. This took until July when we decided to propose the Nature Preserve property as a location. This site was chosen because the city already owned the property. And there was easy access to the site and electricity. We had submitted a request for determination from the FAA and that same month, we received a favorable determination letter saying that we would be approve for an overall height of 675 feet above sea level with a tower height of 281 feet this is lower than our current site but higher than the first proposed site. Our radio provider advised us that with the new equipment, we would not lose any range of communications. A couple of weeks after the Council approved the use of the property, we received an email from one individual protesting the proposed location. This started an ongoing correspondence with him through emails and meetings. We continued

with the project as scheduled. We had to get approval from TPWD for this location because it was funded by them. This is an ongoing process that will be completed when the tower is finished.

- We had to get a historical survey done before we could determine the exact location of the tower site. That was completed in October, 2021.
- We got written approval to proceed with the project from TPWD on November 17, 2021. They had already given a verbal approval before we advertised for bid.
- Solicitation for bids were advertised on October 14 and 21 of 2021. Bid packages were mailed to five different contractors and two were emailed by request.
- Two sealed bids were received and opened on November 30, 2021.
- The bids were tabulated and the contract was awarded to Inter-County Communications on December 19, 2021 at the City council meeting.
- A Notice to Proceed, signed by our City Manager, was issued on January 24, 2022.
- The order for the work was placed on January 24, 2022.
- The contract specified a 120 day completion time from the date of the Notice to Proceed which would have put completion day it on May 24, 2022.
- The third problem arose when we realized that the ASR (Antenna Structure Registration) had not been submitted. I don't have an actual date on this realization but it was around the first week of May. The work was already well underway so we had to halt construction.
- The ASR (Antenna Structure Registration) was submitted on May 13, 2022. When the ASR is submitted, the applicant has to post a notice in the local paper to advise the citizens of a 30 day window to file any environmental concerns with the FCC. At this time I spoke with a representative from the FCC and was advised that if no one submitted an environmental concern we should get an approval 30 to 45 days. This still would have put us ahead of schedule to comply with the grant.
- On June 3, 2022 there was a Pleading of Environmental Concern filed with the FCC from the same concerned citizen and at that point he had gotten a few others to submit concerns as well. This prompted an EA (Environmental Assessment) to be completed and submitted. When a pleading of Environmental Concern is filed, this prompts an EA (Environmental Assessment) to be performed and be uploaded to the application. This was started in May because we anticipated the individual to file a concern. We attempted to perform the EA but found out that this should be done by an environmental consultant due to the amount work involved.
- We hired a consultant and he started work on June 14, 2022.
- We got the draft EA back on August 3, 2022. It was then uploaded to the ASR and I sent the
 required email to the concerned parties advising them of the uploaded document.

- We received notice from the FCC a week later to delete the submitted EA due to it being incomplete. As part of the EA, agency letters had to be sent to TPWD, USFW, all of the affected Native American Tribes, Army Corps of Engineers and others. This usually takes an additional 30 days to get their reply. We waited at least 30 days and submitted the revised EA on October 5, 2022 with what agency responses we received. Not agencies responded, so the FCC will make a determination based on the information provided. There is another 30 day wait for the public to review the revised EA and make comments.
- I don't have an estimated date for the FCC approval. The environmental part of this project can sometimes take several months to complete based on conversations with the FCC and our consultant.
- Once we get FCC approval, we will have the project complete within 30 days.

Terri Baker 615 N Johnson, Mineola

Joe Moore 290 CR 2487, Mineola

Mary Williams 815 CR 2724, Mineola

Douglas Evans 4110 Mapleridge Drive, Grapevine, TX

Greg Holland 1019 E Broad, Mineola

Sharon Higginbotham 373 CR 2266, Mineola

Comments to:

DRAFT ENVIRONMENTAL ASSESSMENT MINEOLA EMERGENCY SERVICES COMMUNICATIONS TOWER 1650 COUNTY ROAD 2724 MINEOLA, WOOD COUNTY, TEXAS HJN 22231.001EA

RE: FCC File Number A1216410

Location: 1650 County Road 2724

Mineola Nature Preserve Mineola, TX 75773

I would agree with all of Joe Moore's detailed responses. I would also like to point out that I live near the proposed area and a pair of Bald Eagles does inhabit this area. While this species has come off the endangered list, we surely wouldn't want to contribute to putting them back on this list.

Additionally, as Joe points out, allowing this type of project in a Nature Preserve will erode its primary purpose and open the door for other such projects. In this case, I would hope that the final EA outlines specifics on the work and evidence gathered on possible alternative sites, and precise reasoning around the viability of those locations. I appreciate all of the work that has been done thus far, and believe we would all benefit from that transparency.

It is my understanding that the grant for this project will cover the cost to purchase land. Has that been explored? I also understand that the city plans to use another portion of this pristine land for a digital billboard near the highway ... is *that* not a viable location for the tower?

While this is a much-needed project and service, the City of Mineola must be more intentional with planning and economic development to protect its future, its citizens' quality of life and this unique, also much-needed, protected nature area. At the very least, IF they will use a portion of this area for the Radio Tower, there should be a reclamation of another nature area of equal or greater value to balance it out.

August 25, 2022

Comments to:

DRAFT ENVIRONMENTAL ASSESSMENT MINEOLA EMERGENCY SERVICES COMMUNICATIONS TOWER 1650 COUNTY ROAD 2724 MINEOLA, WOOD COUNTY, TEXAS HJN 22231.001EA

RE: FCC File Number A1216410

Location: 1650 County Road 2724

Mineola Nature Preserve Mineola, TX 75773

1.1 Project Authority

In my initial comments (attached below) and from information shared with me by the city, the impact area of this antenna project was considered to be 4 acres. I would like to see the entire 4 acres of land be evaluated under this Environmental Assessment.

2.3 Alternate Locations

Understanding that the city desires to own the tower and land where it sits, has there been a concerted effort to identify and negotiate for a piece of property outside of the Mineola Nature Preserve? I would request that an engineering firm research all topographically available locations outside of the three nautical miles east of Mineola Wisener Airport for an alternate and suitable location to be considered for donation to the city or bought outright by the city.

3.1.1.3 Alternate location

Again, understanding the city's desire to own the property, aside from my own research and reconnaissance, have any and all potential sites been identified? The impact to the Mineola Nature Preserve will be forever.

3.2.1.3 Alternate Location Alternative

Again, understanding the city's desire to own the property, this clause begs the question, "if available"? In addition are the necessary processes to mitigate this Texas Parks & Wildlife funded park. Taking land out of recreational use, establishment of overhead lines and visual impacts to a nature preserve are all governed by the rules of the TPWD Grant rules.

3.4.2 Visual Resources

This statement alone begs the need to evaluate the visual and quality of life impacts that looking at a 281' tall antenna will be to the resident's everyday view and park visitors viewing obstruction.

4.2 Cumulative Impacts

The concern with classifying "no real impacts to natural resources" by this report is that, "why should this be the first intrusion of an impact?" The project is needed, worthy, and adds to the quality of life itself to Mineola citizens, but it is being proposed in the wrong location. Let's not start an impact any more than adding additional recreational opportunities at the Mineola Nature Preserve.

8.2 Proposed Alternative

See comments from 4.2 Cumulative Impacts above.

8.3 Alternate Location Alternative

This clause says that this total clause has been rejected. Without a full study of available and acceptable sites, within the designated service area, done by a professional engineer, this clause should not be rejected.

Table 1

Land Use

Less than 1 acre of undeveloped land to be converted to development is a true statement, but with the guy wires, mechanical building and service road, along with the overhead electrical lines, there is far more than 1 acre impacted by this project.

Visual Resources

I object to the wording "Visual resources (aesthetics) <u>may be</u> affected for local residents and recreational visitors to the city of Mineola Nature Preserve. How can it not, when there is nothing there now and there will a 281' tall antenna with three guy wires and a mechanical building there if this goes through? To fully understand the impact any aerial pictures of the project site should include the existing recreational amenities located just to the south of the project site, just off the edge of the pictures included in this report. With the land being pasture, the sight line of the antenna is totally unobstructed and visible to everyone who visits the park from around the region.

Thank you for allowing me to comment on this DRAFT Environmental Assessment.

Joseph D. Moore

Joe Moore 290 CR 2487 Mineola, TX 75773 Jmoore011854@gmail.com 817.999.4108 June 1, 2022 RE: File Number A1216410

Location: 1650 County Road 2724

Mineola Nature Preserve Mineola, TX 75773

The location of this proposed communication antenna is what I am in opposition to. The need is there to have a new antenna, but the location is not a good one.

The location is the Mineola Nature Preserve, a nearly 3,000 acre preserve that serves all of East Texas with its paddling trail, hike/bike/equestrian trail, home to many indigenous birds, flora, and wild animals for the public to visit and enjoy.

Having a 285' tall, multiple guy wire tower visible to anyone who visits the preserve gives a negative visual and experiential impact to visitors to the preserve. What is touted as one of the largest municipal parks in the country, a lack of appreciation of this natural setting does not take into account what brings people to see it. I feel that this impact, watering down of the "preserve" will set a precedent that is not wanted. In their own words, the city of Mineola recognizes its importance to the region, but do not back it up with action.

https://www.mineolanaturepreserve.com/about-the-preserve.html

The Mineola Nature Preserve on the Sabine River encompasses 2,911 acres located in Wood County, and is home to East Texas species of critters that can fly, walk, crawl, and slither, and home to more than 193 species of birds, numerous wildlife, buffalo, longhorn cattle, and a pristine wetlands environment. Imagine walking along a railroad bed built in the 1880s as you step back in history. Owned by the City of Mineola, this is part of a comprehensive development plan to protect our natural wildlife and habitat for future generations. This pristine area is an escape to the quiet of nature and the solitude of yesteryear.

With construction beginning in 2002, the Preserve is being constructed with matching grants from Texas Parks and Wildlife Department and others and maintained by funding from the City of Mineola. Walking, hiking, birding, wildlife viewing, equestrian trails (over 20 miles), fishing ponds, picnic areas, primitive camping areas, Recreational Vehicle Utility Connections at THE DERBY, two pavilions with restrooms, playground and educational opportunities abound. Don't miss the active beehive on Johnnie Bendy Trail that can be viewed behind safety glass. There is an abandoned rail bed that lends itself well to accommodate walkers, and a history of that era that romanticizes the area that is recognized by historical markers, such as the Hasinai Tribe of the Caddo Indian Nation. This area is an ideal corporate retreat with facilities to support either a short term or long term stay.

According to an article in the November (08) Texas Parks and Wildlife Magazine, this Preserve is in the top 15 city parks in the nation for its size. The goal is to make the list as a top 10 choice destination for educators, birders, hikers, bikers, equestrians, local, regional, and national groups. In many respects, the site is still in the visionary state, with both progress and plans continuing to develop.

For these reasons, I would request that an Environmental Review be done on this project.

For the record, an Environmental Assessment by the city was not available on the FCC website. Only a blank page as a place holder, so comments about its content was not available at the time of this writing.

I wish that the city would have sought out 4 acres of land to purchase away from the Mineola Nature Preserve to locate this tower. Please listen to us, the voice of the preserve, to say, good projectwrong location!

Thank you for allowing me to express my feeling and opinions on this project.

Joe Moore

290 CR 2487

Mineola, TX 75773

Jmoore011854@gmail.com

817.999.4108

June 12, 2022

RE: File Number A1216410 Location: 1650 County Road 2724 Mineola Nature Preserve Mineola, TX 75773

I, along with many of my neighbors, friends, and family, am opposed to the location of this proposed communication antenna. We agree on the need for a new communication antenna to be used for emergency broadcast and first responders. However, the location will have adverse impacts on the Nature Preserve causing a decline in insect, bird, and wildlife populations.

The location is the Mineola Nature Preserve, a nearly 3,000-acre preserve that serves all of East Texas and beyond with its paddling trail, hike/bike/equestrian trail, beehive as well as being home to many indigenous birds, insects, flora, and wildlife for the public to visit and enjoy and which are critical for a balanced ecosystem.

Having a 281' tall, multiple guy wire tower visible to anyone who visits the preserve will have a negative psychological impact on visitors as it dampens and impedes the visual and experiential benefits of spending time surrounded by nature. What is touted as one of the largest municipal parks in the country, will be grossly diminished and set a precedent across this great state. A precedent demeaning the very definition of "Nature Preserve" as captured by the City of Mineola's own words in how it describes its own Nature Preserve on the About page of its website (https://www.mineolanaturepreserve.com/about-the-preserve.html):

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Multiple studies have shown that time in nature **lowers blood pressure and stress hormone levels**, **reduces nervous system stress and anxiety, enhances the immune system, increases self-esteem and improves mood**. According to <u>this *Yale Environmental 360* article</u> from January 2020, "A growing body of research points to the beneficial effects that exposure to the natural world has on health, reducing stress and promoting healing. Now, policymakers, employers, and healthcare providers are increasingly considering the human need for nature in how they plan and operate."

At the time of writing this letter, there was no Environmental Assessment provided by the City or available on the FCC website for this project. However, there was a blank page where I can only assume the EA should have been provided, so comments as to the specifics of an EA were not possible.

After much research, it is clear there are several other choices the city could have made for the purchase of 4 acres of land away from the Mineola Nature Preserve on which to locate this tower. Please listen to us, the voice of the people, the City's own regard for the Nature Preserve and its intended use and to me when we say a great project, but at the absolute wrong location!

Thank you for allowing me to express my thoughts and input on this important project.

Sincerely,

Mary Williams 815 County Road 2724, Mineola, TX 75773 marywilliams403@gmail.com

June 1<mark>1</mark>, 2022

RE: File Number A1216410 Location: 1650 County Road 2724 Mineola Nature Preserve Mineola, TX 75773

I, Douglas M. Evans, along with many of my neighbors, friends, and family, am opposed to the location of this proposed communication antenna. We agree on the need for a new communication antenna to be used for emergency broadcast and first responders. However, the location will have adverse impacts on the Nature Preserve causing a decline in insect, bird, and wildlife populations.

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Thank you for allowing me to express my thoughts and input on this important project.

Sincerely,

Douglas M. Evans - 4110 Mapleridge Drive, Grapevine, Tx 76051 817-9929340

June 9,, 2022

RE: File Number A1216410 Location: 1650 County Road 2724 Mineola Nature Preserve Mineola, TX 75773

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EMFs affecting wildlife, it's clear with multiple studies published.

Thank you for allowing me to express my thoughts and input on this important project.

Sincerely,

Sharon Higginbotham

373 County Road 2266

lonestarsrh@yahoo.com

469-964-2020

June 10th, 2022

RE: File Number A1216410 Location: 1650 County Road 2724 Mineola Nature Preserve Mineola, TX 75773

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Thank you for allowing me to express my thoughts and input on this important project.

Sincerely,

Terri Baker

615 N. Johnson St.,

Mineola, Texas 75773

terrihbaker@yahoo.com

214-868-

June 10, 2022

RE: File Number A1216410 Location: 1650 County Road 2724 Mineola Nature Preserve Mineola, TX 75773

I, along with many of my neighbors, friends, and family, 10am opposed to the location of this proposed communication antenna. We agree on the need for a new communication antenna to be used for emergency broadcast and first responders. However, the location will have adverse impacts on the Nature Preserve causing a decline in insect, bird, and wildlife populations.

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Having a 281' tall, multiple guy wire tower visible to anyone who visits the preserve will certainly have a negative psychological impact on visitors as it dampens and impedes the visual and experiential benefits of spending time surrounded by nature. What is touted as one of the largest municipal parks in the country, will be grossly diminished and set a precedent across this great state. A precedent demeaning the very definition of "Nature Preserve" as captured by the City of Mineola's own words in how it describes Preserve its own Nature on the About page of its website (https://www.mineolanaturepreserve.com/about-the-preserve.html):

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Thank you for allowing me to express my thoughts and input on this important project.

Sincerely,

Gregory Hollen

Former Alderman, Mineola City Council

PO Box 1214, Mineola, TX 75773 ghollen1@airmail.net

214-546-1491 cell phone

903-638-8038 home phone

June 1, 2022

RE: File Number A1216410

Location: 1650 County Road 2724

Mineola Nature Preserve Mineola, TX 75773

The location of this proposed communication antenna is what I am in opposition to. The need is there to have a new antenna, but the location is not a good one.

The location is the Mineola Nature Preserve, a nearly 3,000 acre preserve that serves all of East Texas with its paddling trail, hike/bike/equestrian trail, home to many indigenous birds, flora, and wild animals for the public to visit and enjoy.

Having a 285' tall, multiple guy wire tower visible to anyone who visits the preserve gives a negative visual and experiential impact to visitors to the preserve. What is touted as one of the largest municipal parks in the country, a lack of appreciation of this natural setting does not take into account what brings people to see it. I feel that this impact, watering down of the "preserve" will set a precedent that is not wanted. In their own words, the city of Mineola recognizes its importance to the region, but do not back it up with action.

https://www.mineolanaturepreserve.com/about-the-preserve.html

"The Mineola Nature Preserve on the Sabine River encompasses 2,911 acres located in Wood County, and is home to East Texas species of critters that can fly, walk, crawl, and slither, and home to more than 193 species of birds, numerous wildlife, buffalo, longhorn cattle, and a pristine wetlands environment. Imagine walking along a railroad bed built in the 1880s as you step back in history. Owned by the City of Mineola, this is part of a comprehensive development plan to protect our natural wildlife and habitat for future generations. This pristine area is an escape to the quiet of nature and the solitude of yesteryear.

With construction beginning in 2002, the Preserve is being constructed with matching grants from Texas Parks and Wildlife Department and others and maintained by funding from the City of Mineola. Walking, hiking, biking, birding, wildlife viewing, equestrian trails (over 20 miles), fishing ponds, picnic areas, primitive camping areas, Recreational Vehicle Utility Connections at THE DERBY, two pavilions with restrooms, playground and educational opportunities abound. Don't miss the active beehive on Johnnie Bendy Trail that can be viewed behind safety glass. There is an abandoned rail bed that lends itself well to accommodate walkers, and a history of that era that romanticizes the area that is recognized by historical markers, such as the Hasinai Tribe of the Caddo Indian Nation. This area is an ideal corporate retreat with facilities to support either a short term or long term stay.

According to an article in the November (08) Texas Parks and Wildlife Magazine, this Preserve is in the top 15 city parks in the nation for its size. The goal is to make the list as a top 10 choice destination for educators, birders, hikers, bikers, equestrians, local, regional, and national groups. In many respects, the site is still in the visionary state, with both progress and plans continuing to develop.

For these reasons, I would request that an Environmental Review be done on this project.

For the record, an Environmental Assessment by the city was not available on the FCC website. Only a blank page as a place holder, so comments about its content was not available at the time of this writing.

I wish that the city would have sought out 4 acres of land to purchase away from the Mineola Nature Preserve to locate this tower. Please listen to us, the voice of the preserve, to say, good projectwrong location!

Thank you for allowing me to express my feeling and opinions on this project.

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