

**Village of Salado
Salado Municipal Building
301 North Stagecoach Road
Salado, Texas
Minutes of Regular Meeting of Board of Aldermen
September 19, 2019 at 6:30 p.m.**

The Board of Aldermen meeting was called to order at 6:30 p.m. by Mayor Skip Blancett.

Mayor Blancett gave the Invocation and the Board of Aldermen led the Pledge of Allegiance to the United States and Texas flags.

Board Members Present: Mayor Skip Blancett, Mayor Pro-tem Frank Coachman, and Aldermen Rodney Bell, Amber Preston Dankert (arrived at 6:35 p.m.), John Cole, and Michael Coggin.

Salado High School Representative: Avery Piatt

Staff Present: Village Administrator Don Ferguson and City Secretary Cara McPartland

1. Citizens Communications

Paul Cox of 2716 Winners Circle Drive spoke on the well-attended community meeting held on Tuesday, September 17th regarding golf cart operations. He said the Board should consider the health, safety, and welfare of all of Salado's citizens, not personal views on grandchildren in golf carts. He stated that a show of hands indicated a big majority favored changing the existing golf cart ordinance, which he felt lacked specificity and needed clarification on State law requirements. He supported reasonable regulations, but did not favor allowing night time driving, which he described as incredibly dangerous.

2. Consent Agenda

- A. Approval of minutes of the Regular Board of Aldermen meeting of September 5, 2019.
- B. Approval of minutes of the Special Board of Aldermen meeting (Executive Session) of August 29, 2019.
- C. Approval of minutes of the Special Board of Aldermen meeting of September 12, 2019.
- D. Approval of minutes of the Special Board of Aldermen meeting (Workshop with the Planning and Zoning Commission) on August 29, 2019.
- E. Approval of the August 2019 Financial Statements for the Village of Salado.
- F. Approval of a resolution authorizing participation in the ICMA-RC Deferred Compensation Plan for employees of the Village of Salado.

Alderman Cole moved to approve the Consent Agenda, as presented. Alderman Bell seconded. Motion carried on a vote of 5-0.

3. Village Administrator's Report

- Wastewater Project

Village Administrator Ferguson reported approximately 47 percent of the properties in the service area have paid impact fees and are connected or are in the process of connection; reminder card mail-out to remind property owners of the October 1st connection deadline; possible online payment options; the first TCEQ inspection of the treatment plant scheduled for next week; and delivery/installation of charcoal tank systems to address odor issues at lift stations.

- Sales Tax Collections

Village Administrator Ferguson reported receipt of the September 2019 sales tax check totaling \$37,856, representing July 2019 collections, an increase of 11 percent from the same period last year, after accounting for an audit adjustment in last year's September check. He noted end of fiscal year collections of approximately \$528,000 are up about fourteen percent from last fiscal year, and represent 129 percent of the sales tax collections budget.

- Salado Business Owner Meeting

Village Administrator Ferguson reported on the first meeting of business owners to promote communications/networking, receive updates on key projects, and discuss strategies to strengthen the local business community. He advised the next meeting is scheduled for October 8, 2019.

- Salado National Night Out

Village Administrator Ferguson reported that the National Night Out event is scheduled for Tuesday, October 1, 2019 from 6 to 9 p.m. at Johnny's Outback. He encouraged attendance at this free event to promote crime prevention and highlighted activities, including entertainment and food.

- School Resource Officer Program

Village Administrator Ferguson reported that Officer John Oster is now headquartered at Salado High School, but is visiting all of the campuses on a daily basis as he becomes familiar with staff and students.

- Main Street Improvement Project

Village Administrator Ferguson reported on drainage improvements requiring use of a rock saw, which should expedite project progress significantly.

- Sanctuary Development

Village Administrator Ferguson reported Sanctuary developers indicated the proposed groundbreaking will be in the next couple of weeks.

In addition, Village Administrator Ferguson anticipated launch of the Village of Salado's Facebook page in the next two to three weeks. Discussion addressed Main Street project timeframe for completion on schedule; school resource officer's interfacing with students/teachers; and pending legal action relating to unfinished construction at a Chisholm Trail residence. Alderman Coggin introduced Robert Piatt, father of Salado High School Representative Avery Piatt.

4. Presentation

Presentation of recommendations regarding minimum lot size requirements for future developments within the corporate limits of Salado and its E-T-J. (*Jay Ritch, Chairman of Salado Minimum Lot Size Task Force*)

Chair Ritch recognized task force members and summarized the task force's charge to make recommendations on minimum lot sizes that maintain the Village's character, provide for healthy growth, encourage developments to incorporate green space, and discourage homogeneous lot size housing style. He reported on the task force's recommendation process to get a sense of the Village's character and aesthetics, including compiling data, gathering public input, and meeting with the Planning and Zoning Commission.

Chair Ritch presented the following recommendations:

- 1) Average lot size for new developments calculated by taking the sum of the development's lot sizes and simply dividing by the number of lots
- 2) Establish an absolute minimum size that any one lot can be within the development
- 3) Usable green space is just as important as lot size

He advised that new development plats should have:

- 1) An average lot size across the entirety of the development of 14,500 square feet (1/3 of an acre)
- 2) A minimum lot size of no less than 6,000 square feet (1/7 of an acre)
- 3) A minimum of at least 5 percent of usable green space

He reported that the task force reached consensus on this unanimous set of recommendations.

Discussion addressed collection of input through public meetings; basis for green space recommendations; and the task force's diligence throughout the process.

5. Ordinances

- A. Discuss and consider approval of an ordinance of the Village of Salado adopting the Fiscal Year 2020 Budget; declaring findings of fact; providing an effective date; providing a severability clause; and providing an open meetings clause. (*Village Administrator*)

Village Administrator Ferguson highlighted the Proposed Fiscal Year 2020 Budget, as presented and discussed in previous meetings, including details on revenues and expenditures for various

funds such as the General Fund, Hotel-Motel Tax Fund, and Wastewater Funds. He advised that the proposed ad valorem tax rate in the Proposed Fiscal Year 2020 Budget of \$0.6135 is the rollback tax rate, which is the highest tax rate the Village may adopt before voters are entitled to petition for an election. Based on alternatives discussed previously by the Board, Village Administrator Ferguson reviewed the Mayor's original Fiscal Year 2020 Budget proposal to set the total tax rate at the rollback rate of \$0.6135 and subsequent Board discussions resulting in an alternative proposal to set the total tax rate at the effective rate of \$.5752, which is the sum of the M & O tax rate of \$0.2070 plus the I & S (debt) rate of \$0.3682. To achieve this alternative proposal, he recommended bringing down the debt service rate from \$0.4065 to \$0.3682 by taking \$30,000 allocated for debt service in the General Fund budget and move that to streets, which added to the already budgeted amount of \$60,000, would increase the street improvements budget to about \$90,000. In addition, he recommended that \$2,500 be taken from both streets and tree trimming allocations to increase total Fire Department funding by another \$5,000, bringing total Fire Department funding to \$10,000. He felt that anticipated growth should allay concerns regarding recently passed State legislation capping cities' ability to increase tax rates more than 3.5 percent without requiring voter approval. He advised that a record vote is required for Board approval of the Fiscal Year 2020 Budget.

Discussion addressed the adopted effective rate as the floor for next year's tax rate considerations; impact of property appraisals; future budgeting for an additional police officer position, wastewater treatment plant maintenance, and possible future litigation costs.

Mayor Pro-tem Coachman moved to adopt the Fiscal Year 2020 Budget, including the aforementioned recommendations by Village Administrator Ferguson. Alderman Cole seconded. Mayor Blancett called for a vote as follows: Alderman Bell, aye; Mayor Pro-tem Coachman, aye; Alderman Dankert, aye; Alderman Cole, aye; and Alderman Coggin, aye. Motion carried on a record vote of 5-0.

- B. Discuss and consider approval of an ordinance of the Village of Salado, Texas, setting a property (ad valorem) tax rate; approving the ad valorem tax rate and levy of \$0.6135 per one hundred dollars (\$100) of assessed valuation of all taxable property within the corporate limits of the Village for the 2019 Tax Year to help fund the Fiscal Year 2020 Operating Budget for the Village of Salado; providing for an exemption on residence homesteads; providing for exemptions for individuals who are disabled or 65 years of age or older; providing for penalties and interest; providing for severability; providing for repealing conflict; providing for proper notice and meeting; providing for engrossment and enrollment; providing for notification to assessor; and providing for publication and effective date. (*Village Administrator*)

Village Administrator Ferguson proposed adopting a M & O tax rate of \$0.2070 and a debt tax rate of \$0.3682, for a total tax rate of \$0.5752 per \$100 of assessed valuation.

Discussion addressed the possibility of adopting a different rate in order to put extra money back into streets (for example, \$0.3782 for the debt rate, as opposed the \$0.3682).

Alderman Bell moved to approve setting the M & O tax rate at \$0.2070 and the debt tax rate at

\$0.3682, to set the total tax rate at \$0.5752. Alderman Dankert seconded.

Mayor Blancett called for a vote as follows: Alderman Bell, aye; Mayor Pro-tem Coachman, aye; Alderman Dankert, aye; Alderman Cole, aye; and Alderman Coggin, aye. Motion carried on a record vote of 5-0.

- C. Discuss and consider possible approval of an ordinance of the Village of Salado, Texas amending Ordinance Number 2014.01, the Golf Cart and Utility Vehicle Ordinance; providing for findings of fact, amendment, enforcement, including a criminal fine not to exceed \$500 per violation, a repealer, severability, establishing an effective date, and imposing penalties. (*Alderman John Cole*)

Village Administrator Ferguson presented the proposed ordinance drafted per Board direction, which amends the existing ordinance to allow for nighttime driving and include requirements for head lamps, tail lamps, reflectors, parking brake, mirrors, slow-moving vehicle emblem, and any other equipment and license plate as required by State law. He noted that the Village attorney advised that citing specific State law requirements in the ordinance is a better practice than simply obligating compliance with State law, in order to make the ordinance more understandable and enforceable.

Alderman Cole did not think this ordinance does enough to address issues based on Tuesday's (September 17th) community meeting at which other points of view were expressed.

Alderman Dankert asked about legal counsel's advice and referenced a letter from Texas Department of Public Safety (TxDPS) regarding golf cart regulations. Village Administrator Ferguson said a letter was received from a TxDPS representative taking the position that golf cart operators must be licensed drivers and obtain liability insurance based on the premise that golf carts are treated like any other motor vehicle, which requires insurance and licensed drivers. He said the Village legal counsel's interpretation felt that there probably is not a requirement for licensed drivers and insurance.

Discussion addressed fine penalty amount (unchanged from existing ordinance); addition of certain equipment requirements if nighttime driving is allowed; application of current/proposed ordinance to various enforcement scenarios; impact of ordinance on golf course; and flexibility to allow golf carts simply crossing public streets when going from hole to hole on the golf course.

Courtney Dodge of 3060 Hester Way cited facts that he felt fail to support the assertion that golf carts operating on public roads pose a risk to personal safety or public well-being. He said he found two studies with similar conclusions that say injuries of any kind related to golf cart usage on public roads occur very infrequently. He said by comparison non-fatal drownings occur three times more frequently and bouncy house injuries occur thirteen times more frequently with similar injury types. He also cited horseback riding and trampoline injury statistics. He stated there is no published evidence showing any proposed safety measures being considered today, yesterday, or the day before, have any effect on reducing either the incidence or severity of injury on public roadways. He said ordinances discussed over the last several weeks do absolutely nothing to reduce injury or improve safety.

Thomas Moore of 162 Twelfth Green Lane spoke in favor of specificity in the ordinance, which needs to be safety-oriented, addresses night time driving, and cites specific State law, as the number of events and golf carts is tremendous. He said safety related provisions are needed for devices, but did not support requiring seat belts. He stated standards are needed and should be defined and enforced. He suggested a possible task force for this issue, similar to the one formed to recommend minimum lot sizes.

Mark Weaver of 1327 Walker Circle said that due to a lot of confusion regarding State law, he urged the Board to understand where we are starting from before we consider where we are moving to. Regarding the previously referenced TxDPS letter, he stated his research found nothing requiring driver's licenses or insurance in current Codes or new House bills. He asked that the Board understand current State laws before enacting reasonable ordinances to help protect Village safety and encourage responsibility without adding overly restrictive rules that tend to replace the adult, personal, and parental responsibility that is inherent in all that we do.

Hearing no further speakers, Mayor Blancett entertained a motion.

Mayor Pro-tem Coachman moved to adopt the ordinance, as presented. Alderman Bell seconded.

Mayor Pro-tem Coachman explained his reasoning based on discussion with State Representative Brad Buckley and co-author of House Bill 1548, Representative Middleton, on the intent of the bill, which was to not change anything for golf carts from the previous law. He noted there are conflicting items in the bill relating to classification of golf carts as motor vehicles and registration requirements. He said that golf carts are not motor vehicles or registered motor vehicles according to House Bill 1548, but other places in the law describe golf carts as motor vehicles. He noted that until this conflict is settled, he did not favor putting driver's license/insurance requirements in an ordinance. He stated that the Village cannot exceed what State law requires and set a higher standard.

Alderman Cole felt that the Board is creating a worse situation by allowing night driving and not making for safer conditions. Mayor Pro-tem Coachman said we do not have the ability to exceed State law. Alderman Coggin offered an amendment to Mayor Pro-tem Coachman's motion to strike Sec. 3(D) in its entirety as he felt it was not the intent of the Board's direction. Mayor Pro-tem Coachman did not accept the amendment, as he felt State law regarding equipment required for nighttime driving needs to be in the ordinance for clarification.

Alderman Dankert said a legal opinion from TxDPS indicated that driver's licenses and liability insurance should be required. Mayor Pro-tem Coachman stated that the ordinance does follow State law and if it is determined that a driver's license is required, then the Village will comply. Alderman Dankert felt that our police officers will not be getting direction on whether or not driver's licenses are required due to confusion regarding State and Village regulations.

Alderman Coggin requested another amendment as follows to Sec. 3(D): ***“Golf Cart and Utility Equipment: All golf carts and utility vehicles operated on Village streets and highways must have the following equipment required by state law: headlamps, taillamps, reflectors, parking brake, mirrors and must display a slow-moving vehicle emblem. ~~in addition to any other equipment~~***

~~required by state law and a license plate as required by the Texas Transportation Code Section 551.401.”~~

Mayor Pro-tem Coachman said license plates are required to operate golf carts on streets. Alderman Coggin said that reference to “*Sec. 3(C) Nighttime Operation Permitted: The Village hereby allows the operation at night of golf carts and utility vehicles, as defined by the Texas Transportation Code, on Public Streets in accordance with State law,*” and in particular, the clause “*as defined by the Texas Transportation Code*” precludes the need to include the abovementioned strike-through text in Section 3(D). Mayor Pro-tem Coachman accepted Alderman Coggin’s amendment to his original motion.

Alderman Dankert felt that the ordinance should be more specific in order to be more informative for the public and to enhance enforcement. Village Administrator Ferguson suggested there be an enforcement grace period to allow for public education on golf cart regulations.

Alderman Coggin restated his amendment as stated above. Mayor Pro-tem Coachman accepted Alderman Coggin’s amendment to delete the abovementioned text. Alderman Bell seconded. Motion carried on a vote of 3-2 to approve the amendment. Aldermen Dankert and Cole voted against.

Mayor Pro-tem Coachman moved to approve the ordinance, as presented, including the amendment with the following deletion to Sec. 3(D): “*Golf Cart and Utility Equipment: All golf carts and utility vehicles operated on Village streets and highways must have the following equipment required by state law: headlamps, taillamps, reflectors, parking brake, mirrors and must display a slow-moving vehicle emblem; in addition to any other equipment required by state law and a license plate as required by the Texas Transportation Code Section 551.401.*”

Alderman Dankert asked if this ordinance now requires every vehicle (golf cart) to have this equipment, whether driving at night or not. Village Administrator Ferguson replied affirmatively, if operating on a public street. He said that officers have discretion to not cite drivers who are simply going from one hole to another, as opposed to drivers driving from the golf course to home on public streets. Alderman Dankert asked if course-owned golf carts would have to be retrofitted with the referenced equipment, unless specifically exempted from the ordinance, and whether or not driven at night. Village Administrator Ferguson replied affirmatively because it follows State law. Alderman Dankert said that whether or not you choose to drive at night, the cited equipment is required at any time. Village Administrator Ferguson said language could be included to exclude drivers who are going from one hole to another on the golf course, otherwise officers will have discretion to whether or not to issue a citation.

Alderman Bell seconded Mayor Pro-tem Coachman’s motion, including Alderman Coggin’s previously approved amendment. Alderman Dankert favored expressly including specific requirements in the ordinance to better inform people who may not know State law and to minimize officer discretion when enforcing the ordinance. Mayor Pro-tem Coachman said that clarification on other State requirements can be added at a later date, once the State has cleared up conflicting definitions, and favored moving forward with allowing the already in place practice of night driving.

Motion, including the previously approved amendment, carried on a vote of 3-2. Aldermen Dankert and Cole voted against.

6. Discussion and Possible Action

- A. Discuss and consider possible action authorizing the Village Administrator to proceed with the process of connecting the Municipal Building and Police Department headquarters to the Salado Wastewater System and to amend the Fiscal Year 2019 Operating Budget in the amount of \$22,500 to fund the related costs. (*Village Administrator*)

Village Administrator Ferguson explained the Village is proposing to connect the Municipal Building and Police Department and decommission the existing septic system for each building. He advised that the Village is obligated to pay \$7,500 in impact fees and plans to contract with Ben Mauldin Plumbing at a cost of 15,000. He recommended approval to proceed with connection to the new wastewater system and to amend the Fiscal Year 2019 Operating Budget to fund the related costs totaling \$22,500.

Alderman Coggin moved to approve authorizing the Village Administrator to proceed with the process of connecting the Municipal Building and Police Department headquarters to the Salado Wastewater System and to amend the Fiscal Year 2019 Operating Budget in the amount of \$22,500 to fund the related costs. Mayor Pro-tem Coachman seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action approving the Amended Fiscal Year 2019 Operating Budget for the Village of Salado. (*Village Administrator*)

Village Administrator Ferguson explained this item accounts for various adjustments reflecting budget amendments throughout the fiscal year, including adjustments for revenues and expenses, with a surplus of slightly more than \$160,000.

Mayor Pro-tem Coachman moved to approve the Amended Fiscal Year 2019 Operating Budget for the Village of Salado, including the amendments approved in Agenda Item 6A totaling \$22,500. Alderman Dankert seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action authorizing the Village Administrator to enter into an agreement with a professional lighting contractor to work on the two (2) gateway signs located on Interstate 35 within the corporate limits of the Village of Salado and to amend the Fiscal Year 2019 Operating Budget to reflect the cost for such work. (*Village Administrator*)

Village Administrator Ferguson reviewed previous discussions on existing lighting and the proposal to install new solar arrays/controllers at a total cost not to exceed \$15,000. He introduced Merle Stalcup, who asked to present the Board with a proposal.

Mr. Stalcup spoke on the history of the project, thanked the Board for its financial support, said that additional donations have been received in the amount of \$6,425, and offered to donate that amount toward the project.

Discussion addressed anticipated total project cost and timeframe for completion within the next 30 days.

Alderman Cole moved to approve authorizing the Village Administrator to enter into an agreement with a professional lighting contractor to work on the two (2) gateway signs located on Interstate 35 within the corporate limits of the Village of Salado in an amount not to exceed \$15,000 and to amend the Fiscal Year 2019 Operating Budget to reflect the cost for such work. Alderman Bell seconded. Motion carried on a vote of 5-0.

Mayor Blancett and the Board expressed appreciation to Mr. Stalcup and Mr. Stalcup thanked the Board and Salado citizens.

- D. Discuss and consider possible action regarding a petition to annex 54.029 acres located near the intersection of Royal Street and Smith Bluff Road. (*Village Administrator*)

Village Administrator Ferguson recommended accepting the petition submitted by Drake Land Development, LLC and authorization to proceed with annexation of the subject property. He noted that new State law now only requires one public hearing, which is scheduled for October 24, 2019, and anticipated the final annexation ordinance to be filed in November.

Alderman Dankert moved to accept the petition and approve proceeding with the annexation, as presented. Alderman Cole seconded. Motion carried on a vote of 5-0.

- E. Discuss and consider action renewing the Village of Salado's insurance agreement with Texas Municipal League Health to provide employee insurance benefits. (*Village Administrator*)

Village Administrator Ferguson recommended approval of the agreement, which includes an 8 percent increase in the coming year for medical, with no increases in dental and vision coverage.

Alderman Coggin moved to approve renewing the Village of Salado's insurance agreement with Texas Municipal League Health to provide employee insurance benefits. Alderman Bell seconded. Motion carried on a vote of 5-0.

- F. Discuss and consider possible action amending the Village of Salado Governance Policy. (*Village Administrator*)

Village Administrator Ferguson explained recent changes in State law relating to the right of citizens to speak at public meetings. He noted governing bodies cannot restrict criticism of the body, unless prohibited by law. He stated speakers requiring a translator will be given at least twice as much time to speak as any member of the public not using a translator. He advised the draft policy brings the Village into compliance with the new legislation. Discussion clarified that

anyone can speak either on an agenda item or during citizen communications for items not listed on the agenda, whether or not speakers have submitted a written request to speak and that the Board still has discretion to limit comments to 3 minutes.

Alderman Coggin moved to approve amending the Village of Salado Governance Policy, as presented. Mayor Pro-tem Coachman seconded. Motion carried on a vote of 5-0.

7. Workshop

- A. Discuss and consider issues relating to the possible implementation of a heavy truck permit program for the Village of Salado, Texas. (*Mayor Skip Blancett*)

Mayor Blancett expressed public safety concerns regarding traffic on narrow streets. He suggested possible requirements to obtain permits to go to a specific address, to establish truck routes, or to make no changes.

Discussion addressed definition of “heavy” truck; truck routes meant to avoid high traffic areas (business districts); truck-related road damage; problematic aspects of dealing with trucks delivering to addresses outside of designated truck routes; establishing requirements for deliveries via the building permit process (for example, construction materials); possible permitting without an associated fee; weight loading of bridges; road damage caused by trash trucks; possible increase of franchise fees to be used for road repairs; and restricting traffic on Salado Plaza Drive.

- B. Discuss and consider issues relating to the wastewater service extension policy for future developments in Salado, Texas. (*Village Administrator*)

Village Administrator Ferguson asked for Board input on possible extensions for future developments and whether the Board favors to continue the policy to allow flexibility via development agreements or explore alternative options. Discussion addressed existing policy of Board-approved development agreements; costs to connect paid by developers; economic development agreements/incentives; and direct/indirect benefits to Village of extending wastewater service. Discussion favored adhering to the existing policy of Board negotiated and approved development agreements.

Adjournment

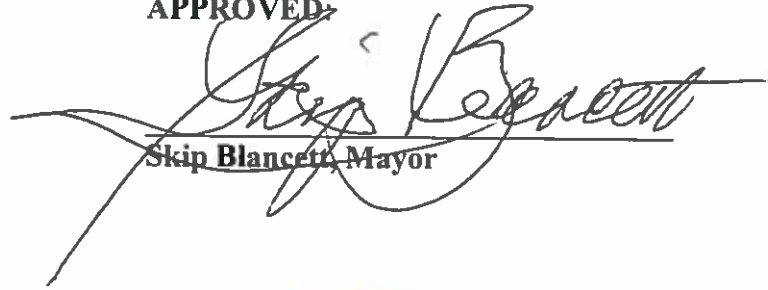
At Mayor Blancett’s invitation, Avery Piatt moved to adjourn. Alderman Cole seconded. Mayor Blancett called the meeting adjourned at 8:45 p.m.

Recorded by:

Cara McPartland

These minutes approved on the 3rd of October, 2019.

APPROVED:


Skip Blancett, Mayor

ATTEST:


Cara McPartland, City Secretary

