

Village of Salado
Salado Municipal Building
301 North Stagecoach Road
Salado, Texas
Minutes of Regular Meeting of Board of Aldermen
January 19, 2023 at 6:30 p.m.

The Board of Aldermen meeting was called to order at 6:30 p.m. by Mayor Michael Coggin. *The meeting was conducted in person and using videoconferencing. Public participation was available via videoconference.*

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

Board Members Present: Mayor Michael Coggin, Mayor Pro-tem Rodney Bell, and Aldermen Paul Cox, John Cole, D. Jasen Graham, and Jason Howard attended in person.

Staff Present: Village Administrator Don Ferguson, City Secretary Cara McPartland, and Police Chief Gary McHone.

1. Citizens Communications

Theresa Howard of 518 Creek Run Circle spoke of the creation of Legacy Salado in October 2021 and issues relating to investigation of past mismanagement of funds by previous organizer(s) that were covered by local media. Mrs. Howard expressed concerns over email statements by the mayor and village administrator that she characterized as showing contempt regarding the mismanagement of funds that are the subject of an ongoing investigation. She stated the 2022 festival was a tremendous success, but said the mayor was “targeting us.” She said “per the mayor” that organizers were told on Saturday that the helicopter rides would have to be shut down the following day citing safety issues. She stated the same helicopter pilot was allowed to provide rides at Barrow’s in 2019. Mrs. Howard said she was also told on Saturday that they did not have approval for a traffic barricade on Pace Park Road, but cited a phone conversation with Police Chief McHone granting approval. Mrs. Howard said the mayor claimed that such approval was not obtained and was later told that she should have come to the Board for approval. She asserted that public records show that barricades were allowed on Pace Park Road for a Halloween event without the Board’s approval. Mrs. Howard stated she was not invited by the mayor to a post-event lunch attended by two other Legacy Salado Board members. She expressed concerns about remarks she said were made at the lunch by the mayor.

Amber Dankert of 9652 Stinnett Mill Road spoke of Legacy Salado’s hard work to create a successful event last October. She felt the mayor was hostile to their efforts and spoke of the mayor’s visit to the event requiring the barricades be lifted and a later text sent to the aldermen and Mr. Ferguson. She said a records request produced texts that she felt condemned the festival and discussed the need for a festival ordinance that was previously considered but not enacted. She said the event was successful, felt there was negativity from the mayor, and cited correspondence about Legacy’s appearing before the Board to document the event’s success as

facing hostility. She played an audio recording of the mayor that she felt indicated lack of support in the future over lack of social media credit and cited certain text messages appearing to “part ways on donor funding” and indicating that Legacy had been “fired.” She said the mayor is also targeting the Parks Board, which she chairs and is overseen by liaison Alderman Howard. She said she will present evidence that the mayor is using his power to control and harm their organization and controlling information that the Board of Aldermen sees. She said we need to do better and be productive for the benefit of our Village and this playground.

Bert Henry of 817 Santa Maria Road spoke of elected officials’ key role and responsibility to communicate with and engage the community in public forums so they can learn more about their concerns and make informed decisions on behalf of all constituents. He stated the Board of Aldermen must consider the needs of both businesses and residents when creating policies to make sure all aspects of Village life run efficiently and serve the public interest. He said it is easy for complacency to set in over time and to lose the sense of altruistic service that was the reason for seeking office. He felt when personal interests take priority over civic duty the community suffers. He said elected officials lose trust and objectivity when agendas are not for the people, but to satisfy their own likes and dislikes or the opinions of friends. He said repairing the divisions within our community start in this chamber with taking your own stand and casting your own vote, even if not popular among peers. He stated, “we may not change the world, but we can certainly change the Village of Salado.”

2. Consent Agenda

- A. Approval of minutes of the Regular Board of Aldermen meeting of January 5, 2023.
- B. Approval of December 2022 Financial Reports for the Village of Salado.

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

3. Discuss and Consider Possible Action Regarding Any Item Removed from the Consent Agenda

No items were removed.

4. Presentations

- A. Presentation by State Representative Brad Buckley regarding legislative priorities for the 88th Legislature Regular Session. (*State Representative Brad Buckley*)

Mayor Coggin advised that this item will be continued until the Board’s next meeting.

- B. Presentation of the Village of Salado Annual Crime Report for 2022. (*Police Chief Gary McHone*)

Chief McHone presented call types and statistics from 2018 to 2022, including explanations of call type descriptions and comparison of year-to-year data.

Discussion addressed adequate police staffing in the next few years to be determined by growth and level of service versus population; staffing plan; provision of NIBRS statistics for crime data; hiring of third and last School Resource Officer (SRO); and effectiveness of Flock Safety license plate reader cameras.

5. Village Administrator's Report

- Proposed Bell County Thoroughfare Plan

Village Administrator Ferguson reported Bell County Commissioners Court is gathering additional public input; the Village's previously provided input was included in draft Plan; Bell County is contracting with CTCOG to develop the Plan, which will be presented to Bell County Commissioners Court for formal public hearings prior to approval.

- Salado Center Wastewater System Acquisition

Village Administrator Ferguson reported Jacobs, the Village's contract wastewater operator, conducted a site visit last week to examine the currently dormant wastewater treatment plant and lift station; plans and discharge permit for the plant, lift station, and wastewater main are being reviewed at this time; and pending review of the plant, a draft acquisition agreement will be presented to the Board of Aldermen for future consideration.

- Sanctuary Public Improvement District

Village Administrator Ferguson reported the public hearing and action to create the Public Improvement District (PID) will be on the Board's February 2nd agenda.

- RREAF Holdings Groundwater Permit Request

Village Administrator Ferguson reported that the Clearwater Board held a well-attended public hearing on RREAF's discharge permit application for irrigation of the apartment complex and delayed final action pending an impact assessment.

In addition, Village Administrator Ferguson reported that all three SRO positions are now filled with the hiring of Officer Heath Crum.

- Sales Tax Collections

Village Administrator Ferguson reported the sales tax check for January 2023 (largest January check in the Village's history), representing November 2022 collections, totaled \$78,709.38, up 7 percent over the same period last year; fiscal year-to-date collections totaled \$275,936.91, up 11 percent over the same period last year; and collections represent 38 percent of the FY2023 sales tax revenue budget, at the 33 percent mark in the fiscal year.

Discussion addressed completion of sewer lines along Baines/Center Circle in approximately 60-90 days; ongoing Texas Parks & Wildlife reviews of permit application for Salado Creek clean-

out; status of street light outages/repairs; two newly installed flashing stop signs on Williams Road, as previously approved by the Board; audit status; update on debt reduction; IH-35/FM 2484 property owner's efforts to petition City of Belton to allow the property to be annexed into the Village.

In addition, Village Administrator Ferguson spoke on the outgoing city secretary's upcoming retirement and transition plans for her replacement, as well as the vacant assistant administrator position.

6. Ordinances

- A. Consider approval of an ordinance of the Village of Salado, Texas, establishing a permit requirement for certain special events within the corporate limits of the Village of Salado, and providing for the following: purpose; findings of fact; severability; repealer; effective date; and proper notice and meeting. (*Village Administrator*)

Village Administrator Ferguson explained the purpose of the proposed ordinance, intended to promote information sharing well in advance of events to better plan and meet the needs of event organizers. He reviewed key provisions of the proposed ordinance, including street closures and parking. He stressed the ordinance would apply only to events held on public property such as parks and streets or events that impact the use of public property. He said the type of event and activities planned help determine the number of law enforcement personnel needed or the amount of waste generated, which helps for better planning in the interest of public health and safety. It was noted that the ordinance was drafted with input from legal counsel and from Salado's large event organizers.

Discussion addressed timeframe for submission of permit application; adherence to special event rules and regulations; administrative review process based on projections and estimates provided prior to the event; complaint procedures for noise ordinance violations; attempt to provide advance notification to affected individuals/businesses in the event of last-minute event changes; timeframes and deadlines; and the Board's prior approval of an aforementioned street closure for a Halloween event on Pace Park Road.

Theresa Howard of 518 Creek Run Circle said in her earlier assertion, she meant that the road closure associated with a Halloween event on Pace Park Road was not approved by "this" Board (meaning the current Board of Aldermen). She expressed concerns that the proposed ordinance would allow the Village to subjectively choose "winners and losers" and described it as ridiculously restrictive. She said the proposed ordinance is not about safety or fixing something that is broken, as there were no calls for service at the Creekside Carnival event. She stated the proposed ordinance is punitive legislation against those who are disliked, felt her organization is significantly impacted, and may likely prevent the 2023 mermaid festival from occurring.

Amber Dankert of 9652 Stinnett Mill Road spoke of her time serving as an alderman when discussions regarding ordinances stressed their enforceability, relevancy, and likelihood for variance requests. She spoke of the proposed ordinance as prescriptive and of its negative impact on the Stroll, which is the Village's biggest event, including rules relating to booths, tents,

canopies, generators, restrooms, and attendance estimates affecting event organizer costs. She described the ordinance as “discrimination via legislation” and felt numbers can be manipulated to drive her non-profit organization out of business. She said the Board knows the ordinance is too restrictive and gives the Board the ability to choose how and when to enact it. She said the Board will use the ordinance to impose its personal feelings and biases to discriminate against or reward organizations. She felt the mayor is using his position to negatively impact her organization, which she said cannot ask for event approval until a final decision is made about this proposed ordinance. She did not feel the Village needs to impose strict regulations to hold safe and enjoyable events and asked the Board not to handicap her organization.

Discussion included the proposed ordinance as a starting point for discussion based on public input; ability of Board to continue its current procedures for approval of special events, whether or not the proposed ordinance is approved; certain types of cooking allowed under canopies and distances from other structures to prevent fire spread; clarification/elimination of cumbersome ordinance language; road closure process/route for Stroll parade; clarification of event fees and costs; provisions relating to helicopters in the interest of public safety; and emphasis that the ordinance would only apply to use of *public* property, not private property.

Alderman Cole moved to continue this item until the Board’s meeting on February 16, 2023 to present a modified draft ordinance addressing concerns expressed in tonight’s discussion. Alderman Graham seconded.

Alderman Graham said this is not unlike other ordinances, such as the golf cart ordinance, that required multiple readings to address input and concerns. Mayor Coggin said there needs to be some risk assessment and management by legal counsel, as the Village might be liable if a helicopter accident occurred without the Village having knowledge or granting approval. Alderman Graham and Village Administrator Ferguson briefly discussed a possible separate aircraft ordinance in accordance with federal and state laws. There was consensus to hold a workshop prior to the Board’s February 16th meeting. Mayor Pro-tem Bell felt the ordinance needs to be cut down dramatically.

Mayor Coggin called for a vote as follows: Alderman Graham, aye; Alderman Howard, aye; Alderman Cole, aye; Alderman Cox, aye; and Mayor Pro-tem Bell, nay. Motion carried on a vote of 4-1.

- B. Consider approval of an ordinance of the Village of Salado, Texas, abandoning a portion public road right of way south of the intersection of Royal Street and Center Circle and authorizing the Village Administrator to execute a conveyance of the same; and providing for the following: findings of fact; a savings clause; severability; repealer; effective date; and proper notice and meeting. (*Village Administrator*)

Village Administrator Ferguson explained research showing a strip of public right-of-way south of where the gravel stub-out ends near the intersection of Royal Street and Center Circle. As the subject right-of-way is in the flood plain and not in any thoroughfare plans, the Village is proposing to formally abandon the right-of-way and convey it to the owner who has been paying property taxes on the property for years. He reassured that no large trees will be impacted by the wastewater

lines. He noted that the property owner will be able access her property from Royal Street through the 15-foot right-of-way. There was brief discussion of access issues, possible delay of abandonment until completion of wastewater construction, and 60-90 day timeframe for completion. It was established that the three large trees referenced earlier will not be in the path of the sewer line. Mayor Pro-tem Bell said he would like contractors to have insurance on the large oak trees to compensate the Village if they die within three years. Village Administrator Ferguson stated that arborists could be required to be present when lines are cut around trees.

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

7. Discussion and Possible Action

- A. Discuss and consider possible action regarding the 2022 Racial Profiling Report for the Salado Police Department. (*Police Chief Gary McHone*)

Chief McHone presented the annual report, including details on the Police Department's policy relating to definition of racial profiling, complaint process for individuals, and specific types of information collected when citations or warnings are issued.

Mayor Pro-tem Bell moved to accept the 2022 Racial Profiling Report for the Salado Police Department, as presented. Alderman Howard seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding a proposed development agreement, including a Concept Plan, for a proposed mixed-use development on approximately 1,105.60 acres of land located northwest of the intersection of FM 2843 and Mustang Creek Road in the extraterritorial jurisdiction of the Village of Salado, Texas. (*Village Administrator*)

Mayor Coggin said this is a historic item and many positive comments have been received from the community. Village Administrator Ferguson explained the subject property's location in the Village's ETJ, with plans for a three-phased development consisting of:

- 891 acres of single-family residential development
- 31 acres of multi-family mixed use development
- 27 acres of commercial mixed use development
- 20 acres of commercial development
- 15 acres for a public school
- 22 acres for private park land
- 599 single-family dwellings
- 470 units of multi-family housing

He noted that this is master planned community with 1 to 2 acre lot sizes. He stated the developer will be constructing and operating water/wastewater systems, with the Village having the right to purchase and operate the systems at any point in the future. He said the 5-year agreement includes an extensive trail system in lieu of sidewalks and some variances relating to block length,

sidewalks, stub-outs, and access points. He advised the agreement allows variances for lot width (due to large cul-de-sac lots), ribbon curbing instead of stand-up curbing, and drainage ditches appropriate for rural developments. He noted the following addition to the agreement: In Phase I of the agreement, lot owners would be allowed to choose either on-site septic or wastewater system connection, but Phases II and III would be required to connect to the wastewater system.

Village Administrator Ferguson advised the agreement contains no sales tax rebates, refunds or property tax abatements, nor has the developer asked for any incentives. He said the developer will put in about 22 acres of park land to be privately maintained by the homeowners association and will contribute \$365,000 to the Village's All-Abilities Playground Project in lieu of park development fees. He provided a property tax revenue projection of about \$1,800,000 over the next 7-8 years that would go toward funding additional services needed for the development as it builds out. He anticipated it will take 1 to 1½ years to get systems permitted and built and for residential construction to start, with significant increases in property tax revenue beginning in 2026.

Village Administrator Ferguson cited the following overall benefits to the Village:

- Allows the Village to establish a vision for future growth coming from the south
- Property tax revenues generated will help fund additional service demands
- Additional property tax revenues will help reduce wastewater debt
- Village is not providing any tax incentives
- Village has the right to acquire the water/wastewater systems in the future, which will help the Village manage and control growth
- The agreement is a short-term 5-year agreement, with ability to extend under certain conditions
- The agreement promotes quality development

Mayor Coggin confirmed that legal counsel has reviewed the agreement and found it to be comprehensive. Discussion addressed:

- Revenue needed to cover additional law enforcement from the proposed Mustang Springs development and other developments currently being built out
- Bell County Sheriff/Constable personnel available and interlocal agreements to help as development expands
- High value homes that increase the tax base to the benefit of the entire Village and its economy
- Overbuilding of the water/wastewater system to allow for future expansion
- Acreage set aside for a public school site
- Parkland dedication ordinance as basis for incentive numbers listed in Sec. 2.6
- Commitment to annex in the proposed agreement

Mayor Coggin invited public comments at this time.

Lennox Alfred of 2811 Chisholm Trail spoke on his holistic view of the development's marketing benefits to the Village that would provide an opportunity to increase the Village's tax base on a

large scale and help lower property taxes. He said if there is no vision, this Village will die. He hoped the Board's decision is based in fact and not on the biased perception of fear of growth. He noted the development's marketing features extensive footage of downtown Salado, which is valuable free advertising attracting people to our community and local businesses, with the possibility of positive revenue stream. He asked the Board to consider this agreement, as the development will be built with or without a development agreement in place.

Matt Maxwell of 8149 Firewood questioned whether a traffic impact assessment will be available to the public prior to moving forward. Village Administrator Ferguson explained the TxDOT permitting process and the availability of a traffic impact analysis once it has been completed. Mr. Maxwell expressed concerns about the existing and future heavy truck traffic from quarries and upcoming construction that will impact volume of traffic and condition of the roads. Village Administrator Ferguson stated that TxDOT is aware of several safety issues to be addressed, anticipated improvements to the road, and said concerns about increasing traffic are real. Mayor Coggin said he would like to meet with Commissioner Whitson and Representative Buckley to discuss Salado's transportation needs, particularly FM 2484.

Darlene Walsh of 1001 Mill Creek Drive favored additional tax income to help taxpayers lower taxes and hoped for more commercial business, which she said would come with growth. She spoke of a recent Clearwater Board meeting regarding a permit application that would take water from Belton for areas south of Salado. She questioned whether there would be adequate water available for the proposed development and noted there may be difficulties getting wells permitted through Clearwater with tight water supplies. She suggested waiting to make sure the developers get the water they need and cited a PID hearing notice in the local newspaper that she believed obligated Salado taxpayers to back PID bond loans for infrastructure. She said the Village was already backing the Sanctuary PID loan and requested waiting until the developer knows he can get water.

In response to Mrs. Walsh's comments, Village Administrator Ferguson explained there will be an extensive permitting process involving Clearwater and TCEQ and requiring studies. He said the only risk to the Village is the potential loss of increased tax revenue, if the developer cannot obtain water. He said it is not a true statement that the Village is backing PID loans for this development or for Sanctuary, which are not our obligation, and as with any PID, the developer will levy assessments to cover public improvements. Alderman Graham stated the people paying the assessment are those who live in the development, not people who live in Mill Creek or any other Village taxpayer outside the development. Village Administrator Ferguson stated the Village is petitioned to create the PID and issues the bond, but does not back the bonds, which are backed by the finance mechanism of the PID.

Mayor Pro-tem Bell moved to accept the agreement with Kerby Ventures, as presented, including the abovementioned variances and additional amendment, as discussed. Alderman Graham seconded.

In response to Mayor Coggin's request for clarification on the motion, Village Administrator Ferguson listed variances in the agreement relating to curbing, drainage, lot width, and the amendment adding language regarding the property owner's choice (in Phase I only) to have on-site septic or connection to the wastewater system.

Mayor Coggin called for a vote as follows: Mayor Pro-tem Bell, aye; Alderman Cox, aye; Alderman Cole, aye; Alderman Graham, aye; and Alderman Howard, aye. Motion carried on a vote of 5-0.

Mayor Coggin called for a recess at 8:53 p.m.

Mayor Coggin reconvened the meeting at 9:01 p.m.

C. Discuss and consider possible action regarding the proposed future development of a new Village of Salado Municipal Building. (*Village Administrator*)

Village Administrator Ferguson reviewed past discussions and presented a draft long-term (50-year) lease agreement that included key provisions such as potential future wastewater service; review of facility designs; sharing of facilities, internet, meeting rooms, etc.; timeframe for construction; upper end cost not to exceed \$1,500,000; debt service schedule for different cost scenarios; 7-year tax notes as financing vehicle that pledges tax revenue, but does not require payment from tax revenue; use of other funding sources such as sale of existing Municipal Building and dedication of Fund Balance reserves toward debt service. He said there is interest and positive feedback from Bell County on consolidation of services and convenience to taxpayers.

Discussion addressed the estimation of costs; window for construction; building design requiring Village and Bell County approval; project bidding; ability to amend lease later, if needed; insurance requirements; minimal lease payment; need to find suitable storage for public works that is not located on Bell County property; addition of language regarding improved bandwidth and costs; changing nature of interest rates; increasing maintenance/renovation costs in existing building; fiscally conservative approach favoring tax notes without increasing taxes; and whether a new building is needed.

Alderman Cox moved to approve moving forward with the project, starting with approval of the lease agreement, as presented. Alderman Graham seconded.

Discussion addressed spending concerns; location of the new building perceived as “outside” Village of Salado; cost-prohibitive nature of building a new facility on private property versus sharing with another governmental entity; maintenance/renovation issues with the existing building that may be costly and not meet future expansion needs; and annexation as part of the lease agreement.

Mayor Coggin called for a vote as follows: Alderman Cole, nay; Alderman Graham, aye; Alderman Howard, nay; Alderman Cox, aye; and Mayor Pro-tem Bell, aye. Motion carried on a vote of 3-2.

Alderman Cox left the meeting at this time (9:25 p.m.).

- D. Discuss and consider the proposed purchase of three (3) dash cameras for the Salado Police Department and amending he FY 2023 Operating Budget to reflect the expenditure. *(Village Administrator)*

Village Administrator Ferguson explained the existing camera systems are unreliable and have limited service options due to age. He recommended approval of the purchase of 3 new dash camera systems from 10-8 Video at a total cost of \$7,515 and amendment of the FY2023 Operating Budget to reflect the expenditure.

Mayor Pro-tem Bell moved to approve the purchase, as presented. Alderman Graham seconded. Motion carried on a vote of 4-0.

- E. Discuss and consider possible action regarding a proposed joint election resolution/agreement between the Village of Salado, Salado Independent School District and the Salado Public Library District relating to the May 6, 2023, elections in Salado, Texas. *(Village Administrator)*

Village Administrator Ferguson recommended approval of the standard resolution to enter into a joint election agreement relating to staffing and sharing of expenses for the upcoming May elections.

Alderman Graham moved to approve the joint election resolution/agreement, as presented. Mayor Pro-tem Bell seconded. Motion carried on a vote of 4-0.

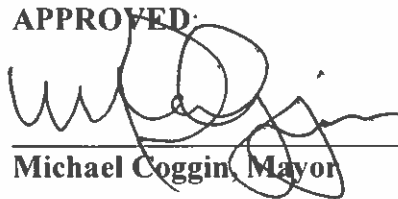
Adjournment

Alderman Graham moved to adjourn. Mayor Coggin called the meeting adjourned at 9:28 p.m.

Recorded by:


Cara McPartland

These minutes approved on the 2nd of February, 2023.

APPROVED:


 Michael Coggin, Mayor

ATTEST:



 City Secretary