



**REGULAR MEETING OF THE
SALADO BOARD OF ALDERMEN**

REGULAR MEETING AGENDA

**6:30 P.M., THURSDAY, JUNE 16, 2016
MUNICIPAL BUILDING
301 NORTH STAGECOACH, SALADO, TX
BOARD OF ALDERMEN CHAMBERS**

I. CALL TO ORDER

1. Invocation/Moment of Silence
2. Pledge of Allegiance, Texas Pledge of Allegiance

(“Honor the Texas flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible.”)

II. PROCLAMATIONS / SPECIAL RECOGNITION

None.

III. PUBLIC COMMENTS

3. Citizens who desire to address the Board of Aldermen on any matter may sign up to do so prior to this meeting. Public comments on issues not listed on the agenda will be received during this portion of the meeting. Comments related to items on the agenda will be received during consideration of the individual agenda item. Please limit comments to 3 minutes. No discussion or final action will be taken by the Board of Aldermen.

IV. REPORTS

Mayor’s Report

Alderman Reports:

- Environmental Report – Alderman Dankert
- ETJ/Annexation Report – Alderman McDougal and Alderman Dankert
- Ordinance Committee Report – Alderman Williams and Alderman Coachman
- Main Street Report – Mayor Pro Tempore Brown and Alderman Coachman
- Street Improvement Report – Alderman McDougal

- Economic Development Committee – Alderman Coachman and Mayor Pro Tempore Brown
- Trails and Parks Committee – Alderman Dankert
- Public Safety / Emergency Management Committee – Alderman Dankert and Alderman McDougal
- Stagecoach /Wastewater Status Report – Mayor Pro Tempore Brown, Alderman Williams, and Administrator Foutz

Financial Report

V. CONSENT AGENDA

All items listed under this section, Consent Agenda, are considered to be routine by the Board of Aldermen and may be enacted by one motion. If discussion is desired by the Board of Aldermen, any item may be removed from the Consent Agenda at the request of an Alderman and will be considered separately.

4. Consider approving the Consent Agenda items:
 - a. Minutes, June 2, 2016, Regular Meeting
 - b. Minutes, June 4, 2016, Strategic Planning Retreat
 - c. Minutes, June 9, 2016, Workshop Meeting

VI. REGULAR AGENDA

5. Presentation, discussion, and possible action on a Resolution (R-2016-142) establishing a Purchasing Policy.
6. Consider and take action on waivers to Section 3.5, Sidewalks, and Section 5.5D, Ramps, of the Village of Salado Subdivision Ordinance 2009.03 for a construction plat of Mill Creek Springs, Phase VIII, a subdivision in the ETJ.
7. Consider and take action on waivers to Section 3.1C5, Offsite Improvements, and Section 5.9, Perimeter Street Improvements, of the Village of Salado Subdivision Ordinance 2009.03 for a construction plat of Mill Creek Springs, Phase VIII, a subdivision in the ETJ.
8. PUBLIC HEARING – Presentation, public hearing, and possible action on an Ordinance of the Board of Alderman of the Village of Salado, Texas, establishing an Ordinance relating to “the Intentional Feeding and Disposal of Deer;” creating an Offense; providing a Penalty Clause; establishing a fine of no less than \$75 or more than \$125 per Feeding Offense; establishing a Fee of \$50 per Carcass for Removal from private property; repealing conflicting ordinances; providing a Severability Clause; and establishing an Effective Date.

VII. EXECUTIVE SESSION

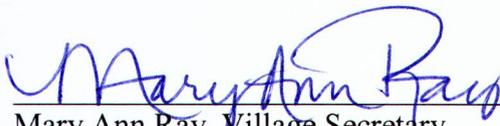
9. Evaluation of the Chief of Police as authorized by Texas Government Code §551.074, Personnel Matters.

VIII. ADJOURN

The Village of Salado reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Village Secretary's office at (254) 947-5060 for further assistance.

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 5:00 p.m. on **Monday, June 13, 2016**.



Mary Ann Ray, Village Secretary

Removed from display: _____

Village of Salado, Texas
Board of Aldermen
Minutes
Regular Meeting and Workshop
6:30 p.m. Thursday, June 2, 2016
Municipal Building, 301 N. Stagecoach Road
Salado, Texas

Present: Mayor Skip Blancett Mayor Pro Tempore Fred Brown, Alderman Frank Coachman, Alderman Amber Preston Dankert, Alderman Michael McDougal, Alderman David Williams.

Others Present: Kim Foutz, Village Administrator; Mary Ann Ray, Village Secretary.

I. Call to Order.

Mayor Blancett called the meeting to order at 6:30 p.m.

1. Larry Sands opened the meeting with prayer.
2. Eagle Scout candidate Nathan Cahoon led the Pledge of Allegiance and the Texas Pledge of Allegiance.

II. Proclamations.

3. Mayor Blancett presentation a proclamation to Mr. Cahoon in recognition of his Eagle Scout Project, which was a rain-fed drip irrigation system for the demonstration garden at the Visitor's Center.

III. Public Comments.

4. None.

IV. Reports.

Mayor's Report.

Mayor Blancett offered congratulations to Mr. Cahoon and expressed sympathy for the families of Fort Hood soldiers who lost their lives in a flooding accident on post. He said the Village will continue to work on the issue of flooding and drainage in the area of Stagecoach Circle. He said representatives from JES Development Company, parent company of Hidden Glen Senior Housing, will be in Salado next week and will consider possible solutions to the drainage issues in that area. One such possible solution is the use of oversized box culverts. He reported that the Board of Aldermen will conduct a strategy workshop at 8 a.m. Saturday, June 4, 2016, which is open to the public. He also said he will deliver a "State of Salado" report at 6:30 p.m. Tuesday, June 14, 2016, at the Civic Center. He invited all to read the Mayor's blog, posted on the Village website.

Police Department Report.

Chief Jack Hensley reported that the Public Safety/Emergency Management Committee has completed its review of Chapter 1 of the General Orders and has moved on to Chapter 2, Professional Standards. He addressed various activities of the department and discussed department statistics for the month of May. See attached report.

Fire Department Report.

Chief Shane Berrier reported that the fire truck to replace the one that burned has been received and is in use. The other fire truck purchased with grant funds is scheduled to be delivered next week. He discussed department statistics for the month of May. See attached report.

Chamber of Commerce/Tourism Bureau Report.

Executive Director Mary Poché reported that 30 vendors have signed on for Dog Daze, which will take place June 18 at the Salado Winery. Coleman Hampton and Liz Patronella are the new staff members at the Central Texas Area Museum and are already working on the Annual Gathering of the Clans and Highland Games, scheduled for November. She reported on activities of the Chamber and Tourism Bureau. See attached report.

Village Administrator's Report.

Administrator Foutz discussed the street maintenance program. Volunteers are needed to drive the truck for the crack seal program in the summer while the primary volunteer is on vacation. She said all committees have conducted kickoff meetings and are meeting regularly. The sewer pre-treatment ordinance will be reviewed by the Wastewater Committee, then sent to the Ordinance Committee. All TCEQ permit renewal requirements have been completed; there is a six-month period for review, and renewals should be finalized in December. She reported that she and Village Engineers Rick Kasberg and Jake Blair met with the Texas Historical Commission about the sewer lines through the Historical District. The Commission has requested additional work and testing and requires three digs to make sure there are no antiquities in the sewer line path that would need to be preserved. The Ordinance Committee has a list of potential priorities and will meet Monday to work out the review schedule. A trolley tour for committee members of the TAP Trail alignment was rained out and will be rescheduled. The blower for the Stagecoach Wastewater Treatment Plant has been installed and is working, but the clarifier is still on order. She said the EDA easement acquisition appears favorable.

V. Consent Agenda.

5. Consider approving the Consent Agenda items:
 - a. Minutes, May 19, 2016, Regular Meeting
 - b. Minutes, May 26, 2016, Workshop Meeting

Alderman McDougal made a motion to approve the Consent Agenda as presented. Alderman Coachman seconded. The motion carried unanimously.

VI. Regular Agenda.

6. Presentation, discussion, and possible action on an amendment to the Chapter 380 agreement with JES Development Company, Inc., (Hidden Glen).

Administrator Foutz explained the changes to the agreement, most of which are minor in nature. There was discussion on the age and income level of tenants in Hidden Glen.

Alderman Williams made a motion to approve an amendment to the Chapter 380 agreement with JES Development Company, Inc., as presented. Alderman McDougal seconded.

Discussion:

Alderman Coachman asked to amend the motion to not accept the change from "dwellings" to "duplexes" in Section 2.2g of the agreement. Mayor Pro Tempore Brown seconded the amendment to the motion. The amendment to the motion carried unanimously.

The amended motion was then put to a vote and carried unanimously.

7. Presentation, discussion, and possible action on easement dedications for the Transportation Alternative Program Multi-Modal Trail between the Village of Salado and 1) KD and Graydon Hill dba Barrow Brewing Company, and 2) Clark Lyda dba Stagecoach 1943 LP.

Alderman Dankert explained that the trail alignment has undergone many changes. The Village attorney is looking at agreements for easements drawn up for the Mr. and Mrs. Hill and Mr. Lyda. There are some parking issues at Barrow Brewing Co. The alignment must be finalized within a week or the Village risks losing the grant.

Mayor Pro Tempore Brown made a motion to approve easement dedications for the Transportation Alternative Program Multi-Modal trail between the Village of Salado and 1) KD and Graydon Hill, dba Barrow Brewing Company, and 2) Clark Lyda, dba Stagecoach 1943 LP, as presented. Alderman McDougal seconded.

Discussion:

Alderman Dankert asked amend the motion to authorize staff to negotiate minor terms as recommended by attorneys or owners. Mayor Pro Tempore Brown seconded the amendment to the motion. The amendment carried unanimously.

The amended motion was then put to a vote and carried unanimously.

8. Presentation, discussion, and possible action on the award of a bid through BuyBoard for the purchase of a either a 2016 Ford Explorer SUV in the amount of \$31,394.55 or a 2016

Ford Interceptor sedan in the amount of \$29,339.57 for the Salado Police Department and authorizing staff to bring forth a budget amendment in the amount of \$10,554.55 for the Explorer or \$8,489.57 for the Interceptor, to include \$650 for installation of graphics for the vehicle and \$300 for the computer mount.

Administrator Foutz said that because this item was bid through BuyBoard, a purchasing cooperative used by municipalities, the vehicles have already been bid by the cooperative. The BOA will not see the other bids. There was discussion about the age and mileage of current Police vehicles. Four options were presented (see attached). There was discussion about the various options for the budget amendment.

Alderman Coachman made a motion to approve the award of a bid through BuyBoard and utilizing Option 1 for the purchase of a 2016 Ford Explorer SUV in the amount of \$31,394.55 for the Salado Police Department and authorizing staff to bring forth a budget amendment in the amount of \$10,554.55 to include \$650 for installation of graphics for the vehicle and \$300 for the computer mount. The motion carried unanimously.

The Mayor closed the Regular Session at 8:04 p.m. and called for the Workshop Session to start at 8:15 p.m.

VII. Workshop Session.

The Mayor opened the Workshop Session at 8:13 p.m.

9. Lewis Raney, M.D., chairman of the Environmental/Deer Committee, brought a report of his committee's activities. He gave four possible steps the Village can take in the effort to control the overpopulation of deer:
 - 1) An ordinance to prohibit the feeding of deer. He said this is recommended by most cities that have addressed a deer overpopulation and also is recommended by the Texas Department of Parks and Wildlife.
 - 2) A sterilization program for at least one section of the Village. The doe is shot with a dart that injects a vaccine (PZP) that is 90 percent effective for 12 months at a cost of \$10 to \$15 per doe. There are issues with this method of control: it requires a special dart gun, the availability of the vaccine, a properly qualified shooter, maintaining of identification of deer that have been vaccinated, and recovery of the darts that do not hit the target. The State of Pennsylvania does not allow PZP. One member of the committee property has volunteered to pay for this option for deer that reside on her property.
 - 3) Sharpshooting for certain sections of the Village at \$250 per deer. Alderman Dankert added that the company that provides the sharpshooters carries the liability. The bullets break in impact, so there is little chance for a pass-through bullet striking a citizen or pet. The carcass is then donated to area food banks for the needy.

4) Trapping-Netting-Euthanizing in other parts of the Village. This is done at a cost of at least \$250 per deer. The carcass is then donated to area food banks for the needy.

There also was discussion about disposal of deer carcasses. The Village's policy is that a deer in public right-of-way is the responsibility of the Village, but a deer on private property is the responsibility of the property owner. Often, property owners will drag the carcass to the street for the Village to pick up. One trip to the Temple landfill to dispose of a dead deer costs the Village about \$68. One suggestion is to purchase a walk-in cooler to store carcasses, then make one trip to the landfill a week. Another suggestion is to contact the waste management companies that serve the Village (Eagle Disposal and Al Clawson) about developing a program to handle deer carcasses.

It was decided to send this item back to committee to develop a recommendation, then bring it back to workshop.

The Mayor closed the Workshop Session at 8:50 p.m.

VIII. Executive Session.

The Mayor called for Executive Session at 8:52 p.m. and directed the Chief of Police to clear the building.

10. Conduct an executive session as authorized by Texas Government Code Section 551.087, Economic Development, for the discussion of Chapter 380 and Tourism Marketing Agreements with Stagecoach 1943 Limited Partners for improvements at Stagecoach Inn.
11. Conduct an executive session as authorized by Texas Government Code Section 551.072, Deliberations about Real Property, for the purchase of a site on the west side for a Wastewater Treatment Plant.
12. Conduct an executive session as authorized by Texas Government Code, Section 551.071, Consultation with Attorney, concerning an investigation into possible misconduct by an employee and available legal remedies.

IX. Adjourn.

The Mayor closed the Executive Session at 9:21 p.m. and adjourned the meeting at that time.

Skip Blancett, Mayor

Mary Ann Ray, Village Secretary

Village of Salado, Texas
Strategic Planning Workshop Meeting of the Board of Aldermen
Minutes

8:00 a.m. Saturday, June 4, 2016
Municipal Building, 301 N. Stagecoach Road
Salado, Texas
Board of Aldermen Chambers

Present: Mayor Skip Blancett, Mayor Pro Tempore Fred Brown, Alderman Frank Coachman, Alderman Amber Dankert, Alderman Michael McDougal, Alderman David Williams.

Others Present: Kim Foutz, Village Administrator; Mary Ann Ray, Village Secretary.

I. Call to Order.

1. Mayor Blancett called the meeting to order at 8:03 a.m. He opened the meeting with prayer.

There was general discussion about the positive and negative aspects about the Village and its government, how to work as a group, and how to best handle criticism. The Board discussed the need to streamline processes and create more transparency.

2. Community challenges: prioritizes and brainstorm solutions
3. 2015-2016 Program of Work (adopted with budget) and 2016-20187 Program of Work.
4. Preliminary FY 2016-2017 budget discussion and priorities

The Board combined items 2, 3 and 4 into one discussion about priorities.

The Board set priorities for the next eight months to two years:

- a. Working for a more positive relationship with builders and developers
- b. Simplification of ordinances: remove burdensome processes, create checklists and process sheets. Create flow: Ordinance Committee to BOA workshop to P&Z/BOA for action. New ordinances would not go to the Ordinance Committee.
- c. Review and retool the inspection and planning review processes; compare alternatives (assigned to Annexation Committee).
- d. Updating the Master Plans.
- e. Annexation: focus on desirable properties (commercial, high-value residential)
 1. Enticements, incentives
 2. ETJ negotiations
 3. Mayor ETJ letters
 4. Road annexations: FM 2268, FM 2484, FM 2483
 5. Utility annexations
 6. Focus on properties near sewer

7. Economic Development – shovel-ready/good properties
- f. Development on the west side (assigned to Economic Development and Annexation/ESTJ committees)
- g. Better flooding/drainage management: tap into experts, enforcement, purchase signs with message that it is a violation to go around a barricade. (Assigned to Environmental Committee to review and make recommendation)
- h. Grants: a need for a professional grant writer; to be discussed through Budget process
- i. Preservation and definition of the Historical District (Mayor Pro Tem Brown will meet with Historical Society and for guidance)
- j. Downtown
- k. Wastewater capital improvements
 1. Need scheduled updated and how process works (approvals and bottlenecks, perhaps a “chat sheet” of agency processes)
 2. Ask Rick Kasberg to give monthly updates at BOA meetings
 3. Main Street/Royal Street maps and right-of-way
- l. Follow-up on recent development projects: Stagecoach, Sanctuary
- m. Streamline BOA workshops: Mayor and Administrator both bring forth recommendations
- n. Capital improvement projects: Budget workshops, drainage or street maintenance fee to be addressed during the Budget process
- o. Advertising (blue informational signs on Interstate)
- p. Police Department
 1. Staffing levels
 2. Fleet
 3. Reporting/Chain of Command
 4. Consistency of message/information given out
 5. 24-hour coverage
 6. Ramp up the drug program
 7. Public relations/education programs

There was discussion about staff evaluations. It was decided that the BOA will conduct the evaluation of the Chief of Police during the June 16, 2016, meeting and the evaluation of the Village Administrator at the July 7, 2016, meeting.

Mayor Blancett adjourned the meeting at 11:40 a.m.

Skip Blancett, Mayor

Mary Ann Ray, Village Secretary

Village of Salado, Texas
Board of Aldermen
Special Called Meeting and Workshop
Minutes
6:30 p.m. Thursday, June 9, 2016
Municipal Building, 301 N. Stagecoach Road
Salado, Texas

Present: Mayor Skip Blancett, Alderman Amber Preston Dankert, Alderman Michael McDougal, Alderman David Williams.

Absent: Mayor Pro Tempore Fred Brown; Alderman Frank Coachman.

Others Present: Chrissy Lee, Planning & Development; Mary Ann Ray, Village Secretary.

I. Call to Order.

Mayor Blancett called the meeting to order at 6:31 p.m. He opened the meeting with prayer.

II. Regular Agenda.

1. PUBLIC HEARING -- Presentation, public hearing and possible action on rezoning of 12.98+/- acres to PD-MU (Planned Development Mixed Use, PDD #1), generally located at the intersection of Royal Street and Tablerock Road and commonly known as Tablerock.

Ms. Lee explained that the Village's official zoning map shows this property as PDD #1, but no documents can be located that confirm the original property was formally rezoned in 2003. There are no meeting minutes or adopted ordinances for the original rezoning. However, the applicant was able to provide staff a copy of a draft ordinance. The contents of this ordinance has been used to develop the now proposed ordinance. She listed all the approved uses of the property and noted that one new used as been requested: outdoor movie theater.

Twenty-nine 200-foot notices were mailed. Five approvals and four denials were returned. However, one citizen who sent a denial changed his response verbally after the request was explained to him.

The Planning & Zoning Commission approved the request by a 5-0 vote.

Mayor Blancett called upon three citizens to speak prior to the start of the public hearing:

- Denver Mills, 2018 Indian Trail, owner of the property
- Michael Cooper, 2101 Bluff Circle
- Jackie Mills, 2018 Indian Trail, owner of the property

All spoke in favor of the request.

Mayor Blancett opened the public hearing at 6:51 p.m. and made the first call for

speakers. On the second call, Pat Foster, 11 Royal View Road, came forward and spoke in favor of the request. The Mayor made the third call at 6:53 p.m. No other speakers came forward. He closed the public hearing at 6:53 p.m.

Alderman McDougal made a motion to approve the rezoning of 12.98+/- acres to PD-MU (Planned Development Mixed Use, PDD #1), generally located at the intersection of Royal Street and Tablerock Road and commonly known as Tablerock, as presented. Alderman Dankert seconded. The motion carried by a 3-0 vote.

2. PUBLIC HEARING – Presentation, public hearing and possible action on an Ordinance of the Village of Salado, Texas, amending the Subdivision Ordinance, revising Section 3.1 Streets, Cul-De-Sac Length; revising Section 4.2 Protection of Drainage and Creek Areas; revising Section 3.5 Sidewalks; revising Section 2.9 Amending Plats; delegating certain approval authority to the Planning and Zoning Commission; delegating certain approval authority to the Mayor/Village Administrator; revising Section 1.13 Definitions; revising Section 2.2 Submission Materials and Completeness of Application; revising Section 3.1 General Adequacy of Streets Policy; and revising Section 2.9 Amending Plats.

Ms. Lee reviewed the amendments and explained that their purpose is to streamline the applications process and eliminate numerous appearances before the Planning & Zoning Commission and the Board of Aldermen.

There was lengthy discussion about two sections: Section 3.5, Sidewalks, and Section 4.2, Protections of Drainage and Creek Areas. Discussion on Section 3.5 centered on whether or not developers would have to put sidewalks on major collector streets, and the discussion on Section 4.2 centered on restrictiveness aimed at property owners in the flood plain.

The Mayor opened the public hearing at 7:30 p.m. He called three times for speakers; none emerged. He closed the public hearing at 7:31 p.m.

Alderman Williams made a motion to approve an Ordinance of the Village of Salado, Texas, amending the Subdivision Ordinance, revising Section 3.1 Streets, Cul-De-Sac Length; revising Section 4.2 Protection of Drainage and Creek Areas; revising Section 3.5 Sidewalks; revising Section 2.9 Amending Plats; delegating certain approval authority to the Planning and Zoning Commission; delegating certain approval authority to the Mayor/Village Administrator; revising Section 1.13 Definitions; revising Section 2.2 Submission Materials and Completeness of Application; revising Section 3.1 General Adequacy of Streets Policy; and revising Section 2.9 Amending Plats. Alderman McDougal seconded. The motion carried by a vote of 2-1 (Alderman Dankert).

Mayor Blancett closed the Regular Session at 7:41 p.m.

III. Workshop Session.

The Mayor opened the Workshop Session at 7:48 p.m.

3. Presentation and discussion on an ordinance relating to the intentional feeding and disposal of deer.

Alderman Dankert explained that this is the same ordinance that came before the BOA in 2015, with the addition of the portion on disposal of deer. There was discussion on the charges by the city for disposal of deer from private property. She explained that the Village will work with Eagle Disposal. City workers can take a carcass to Eagle and put it directly into one of the dump trucks. The Village will put together a publicity campaign to inform citizens of the new regulations regarding feeding and disposal. Another Town Hall meeting was suggested. Alderman Dankert also said a deer count will be conducted during September. There was discussion about adding Exhibit B, which would be a form to hold the Village harmless with respect to damage of property when picking up a carcass. The Mayor directed staff to bring this ordinance forth for a vote at the June 16, 2016, meeting.

The Mayor closed the Workshop Session at 8:24 p.m.

Alderman Dankert made a motion to adjourn. Alderman McDougal seconded. The motion carried unanimously.

The meeting was adjourned at 8:25 p.m.

Skip Blancett, Mayor

Mary Ann Ray, Village Secretary

BOARD OF ALDERMEN

AGENDA ITEM MEMORANDUM

6/16/16
Item #5
Regular Agenda
Page 1 of 1

DEPT/DIVISION REVIEW: Lyndsey Barrett, Court/Finance Administrator

ITEM DESCRIPTION: Presentation, discussion, and possible action on a Resolution (R-2016-142) establishing a Purchasing Policy.

ITEM SUMMARY AND ANALYSIS: The proposed Purchasing Policy was presented for discussion in Workshop on May 26, 2016. The current policy is embedded within the Administrative Policies and Procedures and does not give detailed procedures regarding up-to-date procurement practices.

A clearly written policy defines the expectations of the Mayor and Board of Aldermen regarding municipal purchasing and provides clear direction and legal and responsible purchasing decisions on the part of the Village staff and ensures that state and federal compliance. The proposed policy requires the Village to observe state and federal laws and Generally Accepted Accounting Principles (GAAP) as set by the Governmental Accounting Standards Board. The proposed policy introduces the use of purchase orders to ensure appropriate encumbrment of funds and provides detailed procedures regarding purchasing process, general purchasing provisions and limits, expenditure authority, sealed bids, and contracts.

At the May 26, 2016, workshop, the BOA requested the addition of a Purchasing Contracting Officer; this was added and is found on page 12 of the policy.

STAFF RECOMMENDATION: Staff recommends approval.

FISCAL IMPACT: N/A

ATTACHMENTS:

- Resolution R-2016-142
- Purchasing Policy



RESOLUTION R-2016-142

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS, ADOPTING A PURCHASING POLICY AND PROCEDURES MANUAL FOR THE MANAGEMENT OF ALL PURCHASES BY THE VILLAGE; ESTABLISHING A PURCHASING PROCESS; GENERAL PURCHASING PROVISIONS, INCLUDING BIDS; PROCESS FOR CONTRACTS; ESTABLISHING PURCHASING LIMITS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village of Salado, Texas, is responsible for the legal and prudent handling of public monies; and

WHEREAS, there are numerous sections of the Texas Local Government Code that provide requirements regarding municipal purchasing; and

WHEREAS, state and federal rules and regulations set forth certain provisions regarding municipal purchasing for the purpose of receiving federal funds; and

WHEREAS, the Governmental Accounting Standards Board (GASB) recommends that cities adopt financial policies to clearly define the requirements for the handling of public monies; and

WHEREAS, State law requires the Village to conduct an annual audit and the results of that audit are dependent upon methods of purchasing that conform to state and federal laws and Generally Accepted Accounting Principles (GAAP) as set by GASB; and

WHEREAS, the Village's audit is used as the basis for the Village's bond rating; and

WHEREAS, a written policy defines the expectations of the Mayor and Board of Aldermen regarding municipal purchasing and provides clear direction and legal and responsible purchasing decisions on the part of the Village staff; and

WHEREAS, the Mayor and Board of Aldermen have reviewed the Purchasing Policy manual and believe the Purchasing Policy and Procedures Manual should be adopted, to be effective the 16th day of June, 2016,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO:

Section 1.

That the attached Purchasing Policy and Procedures Manual is hereby approved and adopted as the Purchasing Policy Manual for the Village of Salado, Texas, effective the 16th day of June, 2016.

**APPROVED AND PASSED on the 16th day of June, 2016, by a vote of
_____ (ayes) to _____ (nays) to _____ (abstentions).**

VILLAGE OF SALADO, TEXAS

Skip Blancett, Mayor

ATTEST:

Mary Ann Ray, Village Secretary



Village of Salado, Texas

**PURCHASING POLICIES
and PROCEDURES
MANUAL**

May 23, 2016

Table of Contents

<i>Introduction</i>	3
Section 1. Procurement Policy	4
Responsibility.....	4
Duties.....	4
Section 2. Purchasing Process	5
Expenditure Authority.....	5
Purchasing Limits and Process.....	5
Purchases of less than \$1,000.....	5
Purchases of \$1,000 to less than \$3,000 (Budgeted).....	6
Purchases of \$1,000 to less than \$3,000 (Non-Budgeted).....	6
Purchases of \$3,000 to less than \$25,000 (Budgeted).....	6
Purchases of \$3,000 to less than \$25,000 (Non-Budgeted).....	7
Purchases of \$25,000 or More (Budgeted/Non-Budgeted).....	7
Petty Cash Purchases.....	8
End of Year Purchases.....	8
Section 3. General Purchasing Provisions	8
Sealed Bid Proposal/Qualification Procedure (\$50,000+).....	8
Local Preference.....	9
Identical Bids.....	10
Exemptions from Bidding Process.....	10
Request for Qualifications.....	11
Other General Rules Applicable to all Purchases.....	11
Section 4. Contracts / Types of Contracts Types	11
Procurement Contracting Officer (PCO).....	12
Summary of Recent Law and Associated Process	12
Change Orders.....	12
Legal Review.....	13
Section 5. Flowcharts – Purchasing Limits and Process	14
Purchases of less than \$1,000.....	14
Purchases of \$1,000 to less than \$3,000 (Budgeted/Non-Budgeted).....	15
Purchases of \$3,000 to less than \$25,000 (Budgeted/Non-Budgeted).....	16
Purchases of \$25,000 or More (Budgeted/Non-Budgeted).....	17
Section 6. Forms and Contract Templates	18

INTRODUCTION

It is the policy of the Village of Salado that all purchasing shall be conducted strictly on the basis of economic, business, and legal merit. This policy is intended to promote the best interest of the citizens of the Village of Salado, Texas.

The Village of Salado Finance Department strives to comply with the legal requirements of public purchasing and contracting as set forth in Texas State Statutes and all adopted Village Ordinances. The goal of the policy is to provide procedures and guidelines to assist each department, the Village Administrator, and the BOA to efficiently manage, control, and plan their available resources to meet present and future departmental needs, to help the Village receive the maximum value for each public dollar spent, and ensure expenditures are spent according to the BOA adopted budget and priorities.

Additionally, the Village of Salado Finance Department commits to ensure that:

- Public funds are safeguarded. Although the Finance Department does not designate the types of purchases to be made, it should see that the best value is received for the public dollar.
- Responsible bidders are given a fair opportunity to compete for the Village's business. This is done partially by the statutory requirements for competitive bids and proposals, and partially by the Village's own purchasing policies and procedures.

SECTION 1. PROCUREMENT POLICY

It is the policy of the Village to conduct procurement functions efficiently, effectively, and in full compliance with all applicable State laws and all Village Ordinances. This policy and procedure manual outlines the required procedures for purchasing goods and services and provides open and fair competition for vendors and contractors. The authority to contract for all goods and services rests with the Mayor, Board of Aldermen, and the Village Administrator, as specifically authorized and delegated. Additionally, specified personnel in the Village's departments are authorized to make purchases as provided herein.

Unauthorized personnel who attempt to contract on behalf of the Village of Salado, or personnel making unauthorized purchases outside of the guidelines of this manual, may be subject to disciplinary action, legal action, and personal financial liability. This includes any situation in which a person makes or authorizes separate, sequential, or component purchases in an attempt to avoid competitive bidding requirements.

If a Village employee fails to comply with the competitive bidding and/or competitive proposal procedures required by Statute, that employee may be convicted of a Class B misdemeanor. In a case in which the employee commits an offense in which the officer or employee intentionally or knowingly violates the Statute, this may result in the employee being charged with a Class C misdemeanor. *(LGC Chapter 252.062 (a) (b) (c))*

Responsibility

Each Village employee authorized to purchase goods, supplies, equipment, and/or services must be familiar with the purchasing procedures established herein. These procedures are to be followed by all employees and department heads in the procurement process.

Duties

Village Administrator – The Village Administrator oversees compliance with all procurement requirements for the purchase of all goods and services established by Texas State and Local Government Codes and the Village's Policies and Procedures by means of this manual.

Finance Administrator –The Finance Administrator administers the purchasing rules and regulations as established by Texas State and Local Government Codes and the Village's policies and procedures established herein; and

1. Ensures all procurement activities are conducted with the highest level of integrity and ethical standards.
2. Provides suppliers and providers a fair opportunity to compete for Village business and protect public funds.

3. Ensures purchases are made according to adopted budget and procedures.
4. Maintains records of capital assets in conjunction with the Village Secretary.
5. Determines and implements the most appropriate method of disposal of salvage/surplus property.

Requesting Department Heads – The Department Heads will comply with all procurement policies and procedures outlined in this manual. The Directors shall purchase the proper goods and services in accordance with the adopted budget while guarding the misappropriation of funds.

1. Plan purchases to allow sufficient time to obtain bids, quotes or proposals.
2. Ensure adequate funds are appropriated.
3. Provide specifications for goods and services requested.
 - a. Delegate individuals as needed within the departments who have been properly trained to prepare and issue specifications and request Purchase Orders in accordance with this manual.
4. Provide documentation of any vendor's failure to perform as contracted.
5. Manage department expenditures.
6. Utilize forms and templates as required or needed.

SECTION 2. PURCHASING PROCESS

Expenditure Authority

The Village has attempted to incorporate local, state, and federal laws into this manual. The Village, however, does not warrant that these policies include all such laws. Local, state, and federal laws will prevail over these procedures where applicable.

Purchasing Limits and Process

Purchases of less than \$1,000

1. Purchases less than \$1,000 do not require verbal/written quotes or purchase orders.
2. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
3. Finance Administrator checks the documentation to ensure proper coding.
4. Finance Administrator submits payment directly to the vendor within ten (10) business days.
5. Finance Administrator retains check stub and supporting documentation as per record retention policy.

Purchases of \$1,000 to less than \$3,000 (Budgeted)

1. Purchases of \$1,000 to less than \$3,000 require verbal quotes (documentation submitted by employee); internet documentation is acceptable. A Purchase Order is not required.
2. Department employee submits verbal quotes to Department Head prior to goods or services being ordered for their written approval.
3. Once written approval is given, department employee can proceed with purchase.
4. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
5. Finance Administrator checks the documentation to ensure proper coding.
6. Finance Administrator submits payment directly to the vendor within ten (10) business days.
7. Finance Administrator retains check stub and supporting documentation as per record retention policy.

Purchases of \$1,000 to less than \$3,000 (Non-Budgeted)

1. Purchases of \$1,000 to less than \$3,000 require verbal quotes (documentation submitted by employee); internet documentation is acceptable. A Purchase Order is not required.
2. Department submits verbal quotes to the Finance Administrator prior to goods or services being ordered to get written approval by the Village Administrator.
3. Once approved, Finance Administrator sends written notification to the department instructing them to proceed with the purchase.
4. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
5. Finance Administrator checks the documentation to ensure proper coding.
6. Finance Administrator submits payment directly to the vendor within ten (10) business days.
7. Finance Administrator retains check stub and supporting documentation as per record retention policy.

Purchases of \$3,000 to less than \$25,000 (Budgeted)

1. Purchases of \$3,000 to less than \$25,000 require a purchase order with written quotes from at least three (3) vendors.
2. State Law (*LGC 252.0215*) requires that purchases of more than \$3,000 but less than \$50,000 require contacting two (2) Historically Underutilized Business (HUB) on a rotating basis, to give them a chance to bid on a product or service, in addition to non-HUB businesses.
3. Department submits purchase order and written quotes to the Finance Administrator prior to goods or services being ordered.
4. Finance Administrator submits purchase order and written quotes to the Village Administrator for written approval.

5. Once approved, Finance Administrator sends written notification to the department instructing them to proceed with the purchase.
6. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
7. Finance Administrator checks the documentation to ensure proper coding.
8. Finance Admin. submits payment directly to the vendor within ten (10) business days.
9. Finance Administrator retains check stub and supporting documentation as per record retention policy.

Purchases of \$3,000 to less than \$25,000 (Non-Budgeted)

1. Purchases of \$3,000 to less than \$25,000 require a Purchase Order with written quotes from at least three (3) vendors.
2. State Law (*LGC 252.0215*) requires that purchases of more than \$3,000 but less than \$49,999 require contacting two (2) Historically Underutilized Business (HUB) on a rotating basis, to give them a chance to bid on a product or service, in addition to non-HUB businesses.
3. Department submits purchase order and written quotes to the Finance Administrator prior to goods or services being ordered.
4. Finance Administrator submits purchase order and written quotes to the Village Administrator for review, and then is placed on agenda for BoA approval.
5. Once approved, Finance Administrator sends written notification to the department instructing them to proceed with the purchase.
6. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
7. Finance Administrator checks the documentation to ensure proper coding.
8. Finance Admin. submits payment directly to the vendor within ten (10) business days.
9. Finance Administrator retains check stub and supporting documentation as per record retention policy.

Purchases of \$25,000 or More (Budgeted/Non-Budgeted)

1. Purchases of \$25,000 or More require a Purchase Order with written quotes from at least three (3) vendors.
2. State Law (*LGC 252.0215*) requires that purchases of more than \$3,000 but less than \$49,999 require contacting two (2) Historically Underutilized Business (HUB) on a rotating basis, to give them a chance to bid on a product or service, in addition to non-HUB businesses.
3. Department submits purchase order and written quotes to the Finance Administrator prior to goods or services being ordered.
4. The Mayor and Board of Aldermen must vote to approve all purchases and/or contracts with an anticipated annual expenditure of \$25,000 and above.
5. Once approved, Finance Administrator sends written notification to the department

instructing them to proceed with the purchase.

6. Departments must submit original invoice/receipt/check request to the Finance Administrator ten (10) working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original.
7. Finance Administrator checks the documentation to ensure proper coding.
8. Finance Admin. submits payment directly to the vendor within ten (10) business days.
9. Finance Administrator retains check stub and supporting documentation as per record retention policy.
10. Purchases that are expected to be more than \$50,000 are required to be purchased through competitive sealed bidding or competitive sealed proposal procedure for the purchase of goods and services, including high technology items. (*LGC 252.021*)
11. For a list of exceptions to the general rule on competitive sealed bidding. Please refer to (*LGC 252.022*) and Section 2 herein.

Petty Cash Purchases

1. Petty cash disbursements of \$50 or less should only be used for small incidental expenditures and not as a method to bypass the Village's purchasing process.
2. The purpose of a petty cash fund is to provide departments with ready cash for the payment of various small expenditures, such as postage, water, ice, etc.
3. The employee receiving the money must sign a petty cash receipt to acknowledge acceptance of funds.
4. Original purchase receipts must be approved by the Department Head and turned in to the Finance department.
5. Cash should be kept in a locked drawer in a petty cash box with the key in custodian's (Finance Administrator's) possession.

End of Year Purchases

For end of year purchases that occur in September, Purchase Orders are due 30 days prior to the last day of the Fiscal Year (September 30).

Section 3. General Purchasing Provisions

Sealed Bid Proposal/Qualification Procedure (\$50,000+ expenditures)

1. The Department Head shall develop specifications for the purchase of goods and services, based upon standards appropriate to meet the Village's needs. The specifications are forwarded to the Village Administrator for approval.
2. The Department Head shall utilize the Form Request for Proposal/Qualification provided by the Finance Department.

3. The Department Head, or designee, shall develop and ensure publishing of Public Notice, including time and place the bid will be opened and in accordance with state law. This information must be published in the official newspaper once a week for two consecutive weeks prior to the time set for bid opening. The date of first publication must be at least 15 days before bid opening date.
4. The Department Head, or designee, shall mail, email, or deliver an "Invitation to Bid" to potential bidders at least two weeks prior to the time of the public bid opening.
5. As part of the bidding process, the Village shall hold a pre-bid conference to answer questions or make clarifications to potential bidders. The Village reserves the right to amend/clarify the original RFP/RFQ as a result of information obtained at this conference.
6. All bids received must be filed unopened and shall not be accepted if turned in late.
7. On the date and time designated in the public notice, the bid shall be opened and read aloud at a public meeting. A sign-in sheet must be present listing all persons attending the bid opening.
8. The Department Head, or designee, in cooperation with the Finance Department shall prepare a written tabulation of the bids received and draft a memorandum to the Village Admin. indicating the best bidder and the Department Head's recommendation for award.
9. Competitive sealed bids must be considered by the Board of Aldermen at a public meeting. If the competitive sealed bidding requirement applies to a contract for goods and services, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality. Guidelines can be found in (LGC 252.043(b)). For exceptions to the rules concerning the award of a contract see (LGC 252.043(b)).
10. The Board of Aldermen has the right to reject any and all bids. (LGC 252.043(f))
11. Finance Administrator must retain all bids and related documentation as per record retention policy. (LGC 252 Subchapter C)

Local Preference

The Village of Salado had adopted a resolution that the Board of Aldermen may award contracts (that must otherwise go to the lowest bidders) to local bidders (*place of business is in the municipality*) under the following limited situations:

1. The contract is for an expenditure of less than \$100,000.
2. The local bidder is within 5% of the lowest price received by the municipality from a bidder who does not reside in the municipality.
3. The Board of Aldermen determines in writing that the local bidder offers the best combination of contract price and additional economic development opportunities for the municipality by the contract award, including employment of residents of the municipality and increased tax revenues to the municipality.

This provision does not apply to telecommunications or information services. The Municipality retains the option of rejecting all bids. (LGC 271.9051)

Identical Bids - LGC §271.901

When the Village receives two or more bids that are identical, in nature and amount, as the lowest and best bids, the Village will select the bidder as follows:

1. If only one (1) bidder submitting identical bids is a resident of the Village, the Village must select that bidder. Otherwise, lots must be cast.
2. Casting lots must be in a manner prescribed by the Mayor of the Village and must be conducted in the presence of the Board of Aldermen. All qualified bidders or their legal representatives may be present at the casting of lots. (LGC 271.901)

Exemptions from Bidding Process

The following are exempt from the bidding process:

1. *Emergency Purchases*

The competitive bidding provisions do not apply for emergencies as follows:

- a. Procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality.
- b. Procurement necessary to preserve or protect the public health or safety of the municipality's residents.
- c. Procurement necessary because of unforeseen damage to public machinery, equipment or other property.

The Department Head may proceed with the procurement of goods, services or equipment to relieve an emergency situation. The Department shall attach a memorandum describing the emergency to the Purchase Order.

If the purchase will cost more than \$3,000, an oral approval must be obtained from the Village Administrator, and then written Purchase Order approval should be obtained as soon as it practical.

If the emergency purchase is in excess of \$50,000, the Village Administrator's written approval must be obtained, in cooperation with the Mayor. Then the Finance Administrator and the requesting Department Head will prepare the documentation necessary to have the emergency purchase approved by the Board of Aldermen as soon as possible, even if it is after the emergency has been remedied.

2. *Sole Source Purchases (Goods/services only available through one vendor)*
 - a. Patents, copyrights, secret processes, or monopolies

- b. Films, manuscripts, or books
 - c. Gas, water, and other utility services
 - d. Captive replacement parts or components for equipment
 - e. Books, papers and other library materials for a public library that are available only from the person holding exclusive distribution rights to the materials
3. *Procurement for personal, professional, or planning services.*
 4. *Purchase of land or a right-of-way.*
 5. *State Contracts – CO-OP Purchasing Program (LGC 271.082)*
 6. *Interlocal Agreements (GC 791.025)*
 7. *Further exemptions can be found (LGC 252.022)*

Request for Qualifications – Personal, Professional, Planning Services

Although competitive bids/quotes are not required on personal, professional, or planning services, it is the policy of the Village of Salado to utilize, in all cases, a Request for Qualifications (RFQ) if the total fee for the service is expected to exceed \$50,000 for any project. Selection shall be based upon written evaluation criteria established in the RFQ. Contracts shall be awarded to those asking fair, reasonable prices, as long as the fees are not higher than published, recommended practices and fees for various applicable associations, and do not exceed the maximum provided by state law. For architectural, engineering, and legal services, the fee is negotiated after selection but prior to award. *Full details can be found, Government Code 2254*

Other General Rules Applicable to all Purchases

1. According to the Department Head’s submittal, the Finance Administrator shall charge a purchase to the appropriate account number, which should have available budgeted funds.
2. In case the appropriate account does not have available funds, the Department Head may charge the expense to another line item within their respective department budget, so long as it does not change total budgeted department expenditures or exceed \$5,000. Charges that exceed \$5,000 must be approved by the Village Administrator. Funds budgeted for capital reserves may not be utilized for other expenditures unless approved by the BoA.
3. No Village employee should knowingly make or authorize any separate, sequential or component purchases to avoid the purchasing limits.

Section 4. Contracts / Contract Types

There are several types of contracting procedures with numerous exceptions. Employees are responsible for knowing which type of contract is applicable and which exception may apply. Village employees are required to use the standard contract templates that are provided by the Finance Department.

1. Annual/Term Contracts
 - a. Purchases of items or services may be acquired through annual contracts approved according to expenditure authority and purchasing limits.
 - b. Contracts over \$50,000 must be awarded on a competitive sealed bid/proposal basis.

2. Contracts requiring special terms:
 - a. Competitive sealed proposal contracts for construction projects of \$1.5 million or less. (LGC 252.043)
 - b. Contracts for amounts between \$3,000 and \$50,000. (HUB) (LGC 252.0215)
 - c. Lease-Purchase Agreements. (LGC 271.005)
 - d. Contracts for professional or personal services. (GC 2254.001)
 - e. Contracts for energy conservation measures. (LGC 302.001)
 - f. Competitive sealed proposals for high technology procurement (LGC 252.042)

Procurement Contracting Officer (PCO):

The Village of Salado shall appoint a Procurement Contracting Officer to oversee all contracts that exceed the amount of \$25,000. The PCO is responsible for the following:

- a. Ensure all requirements of law, regulations, and all other applicable procedures including clearances and approvals, have been satisfied.
- b. Ensure sufficient funds are available for obligation.
- c. Ensure contractors receive fair and equitable treatment.
- d. Request and consider the advice of purchasing agent in audit, law, engineering, transportation, and other fields as appropriate.
- e. Document that the proposed contract is in the best interest of the Village.

Summary of Recent Law and Associated Process:

Effective January 1, 2016, vendors who enter into contracts that are either in excess of \$1 million or subject to vote by the Board of Aldermen must file a Certificate of Interested Persons (Form 1295) with the Texas Ethics Commission (TEC).

1. All contracts that must be approved by the Board of Aldermen or are in excess of \$1 million must be given a tracking number. The tracking number is assigned by the Finance Administrator.
2. Vendors or business entities (but not other governmental entities) must go **online** to the Texas Ethics Commission to fill out and print the Certificate of Interested Parties.
3. The Form 1295 must be signed by an authorized person from the business entity.
4. The Form 1295 must be notarized.
5. After signature and notarization, the Form 1295 must be submitted to the Finance Administrator.

6. The Finance Administrator will then acknowledge the Certificate of Interested Parties online and retain the notarized copy with the Village records. The Finance Administrator must acknowledge the Certificate of Interested Parties within 30 days of the approval of the contract.

Change Orders

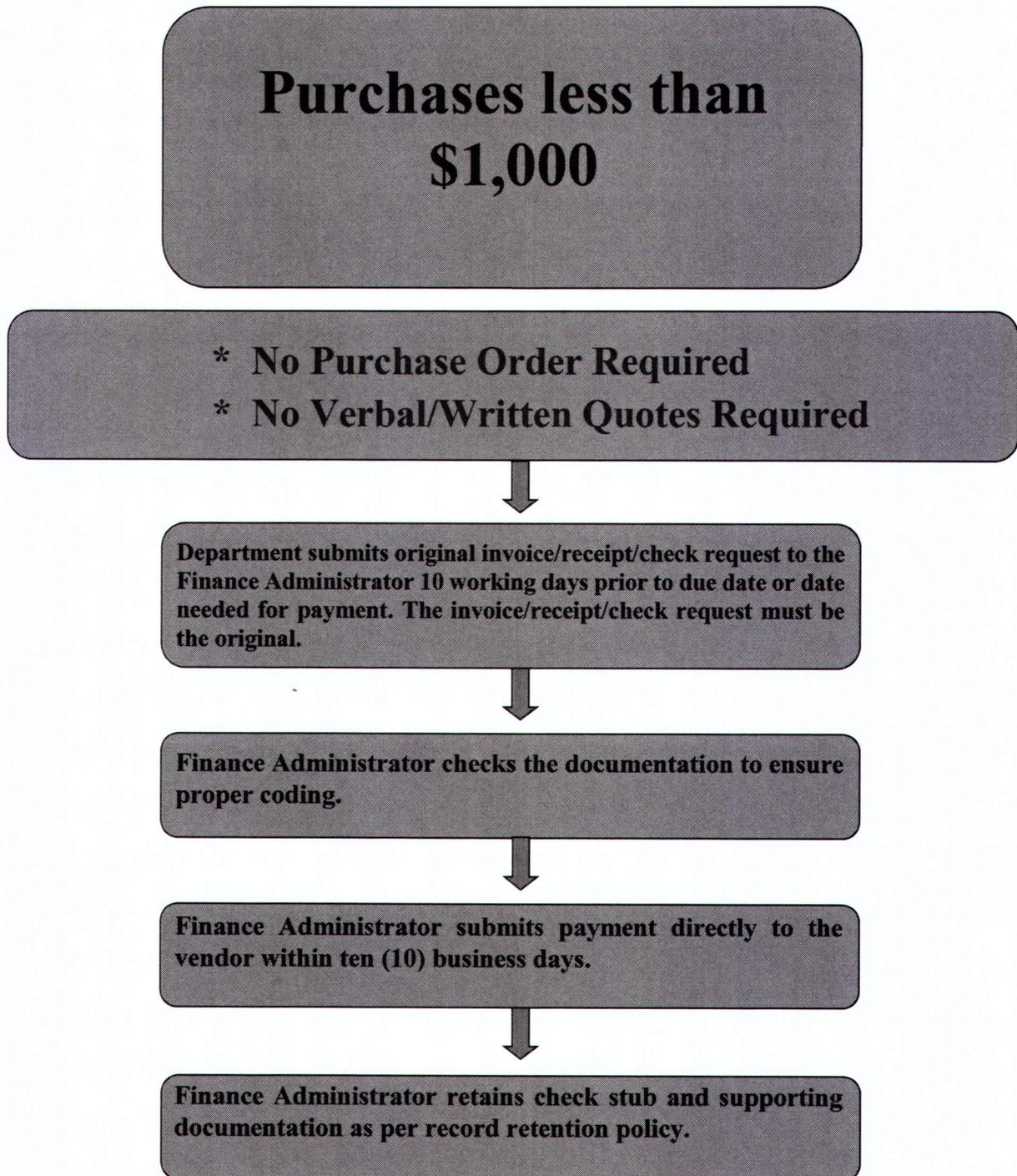
In the event it becomes necessary to make changes in the plans, specifications, or scope of work after performance of a contract has been commenced, or it becomes necessary to decrease or increase the quantity of work to be performed or materials, equipment or supplies to be furnished, the Village Administrator or Board of Aldermen (as authorized under Purchasing Limits Section herein) may approve change orders.

1. If the Contractor determines that a change in the work or contract price is required, the Contractor must submit an estimate for increases or decreases due to such change.
 - a. The original contract price may not be increased by more than 25%.
 - b. The original contract price may not be decreased by more than 25% without the consent of the contractor. *(LGC 252.048)*
2. Once the estimate is received from the Contractor, the department head must submit the estimate to the Finance Administrator to properly execute according to the Village of Salado purchasing limits.
3. If the Village Administrator or Board of Aldermen as applicable authorizes the change, the Department Head will compute the reduction from or addition to the contract price due to the change and will authorize the change in writing by the issuance of a Change Order.
4. The Contractor will not, and shall not, have an obligation to perform any change in the work until a Change Order has been authorized and issued by the Village.

Legal Review

The Village Administrator or Village Secretary should send all contracts over \$50,000 before execution, to the Village Attorney for review and approval unless the contract is a standard approved template.

SECTION 5. Flowcharts – Purchasing Limits and Process



Purchases of \$1,000 to less than \$3,000

* Require Verbal Quotes (documentation submitted by employee);
internet documentation acceptable

* Purchase Order not required

BUDGETED

Department employee submits verbal quotes to Department Head prior to goods or services being ordered for their written approval.

Once written approval is given, department employee can proceed with purchase.

Depart. submits original invoice/receipt/check request to the Finance Admin. 10 working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original

Finance Administrator checks the documentation to ensure proper coding

Finance Administrator submits payment directly to the vendor within ten (10) business days

Finance Administrator retains check stub and supporting documentation as per record retention policy

NON-BUDGETED

Department submits verbal quotes to the Finance Admin. prior to goods or services being ordered to get written approval by the Village Admin.

Once approved, Finance Administrator sends written notification to the department instructing them to proceed with the purchase.

Depart. submits original invoice/receipt/check request to the Finance Admin. 10 working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original

Finance Administrator checks the documentation to ensure proper coding

Finance Administrator submits payment directly to the vendor within ten (10) business days

Finance Administrator retains check stub and supporting documentation as per record retention policy

Purchases of \$3,000 to less than \$25,000

- * Three written quotes must be obtained supporting goods/services requested
- * Requires contacting two Historically Underutilized Businesses
- * Purchase order required

BUDGETED

Department submits purchase order and written quotes to Finance Admin. prior to goods or services being ordered

Finance Administrator submits purchase order and written quotes to Village Administrator for written approval

Once approved, Finance Administrator sends written notification to the department instructing them to proceed with the purchase.

Depart. submits original invoice/receipt/check request to the Finance Admin. 10 working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original

Finance Administrator checks the documentation to ensure proper coding

Finance Administrator submits payment directly to the vendor within ten (10) business days

Finance Administrator retains check stub and supporting documentation as per record retention policy

NON-BUDGETED

Department submits purchase order and written quotes to Finance Admin. prior to goods or services being ordered

Finance Admin. submits purchase order and written quotes to the Village Admin. for review, and then placed on agenda for BoA approval

Once approved, Finance Administrator sends written notification to the department instructing them to proceed with the purchase.

Depart. submits original invoice/receipt/check request to the Finance Admin. 10 working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original

Finance Administrator checks the documentation to ensure proper coding

Finance Administrator submits payment directly to the vendor within ten (10) business days

Finance Administrator retains check stub and supporting documentation as per record retention policy

Purchases of \$25,000 or More (Budgeted / Non-Budgeted)

- * Requires Competitive Sealed Bidding**
- * Mayor and Board of Aldermen must approve**
- * Purchase Order, written quotes required**

Department submits purchase order and written quotes to Finance Admin. prior to goods or services being ordered.

Mayor and Board of Aldermen MUST vote to approve all purchases and/or contracts with an anticipated annual expenditure of \$25,000 and above.

Once approved, Finance Administrator sends written notification to the department instructing them to proceed with the purchase.

Depart. submits original invoice/receipt/check request to the Finance Admin. 10 working days prior to due date or date needed for payment. The invoice/receipt/check request must be the original

Finance Administrator checks the documentation to ensure proper coding and submits payment directly to the vendor within 10 business days.

Finance Administrator retains check stub and supporting documentation as per record retention policy

Purchases that are expected to be more than \$50,000 are required to be purchased through competitive sealed bidding or competitive sealed proposal procedure for the purchase of goods and services, including high tech. items.

SECTION 6. Forms and Contract Templates

Forms may be created and or amended periodically by the Village Administrator and or Legal Counsel.

PURCHASE ORDER

CONFLICT OF INTEREST FORM

CHANGE ORDER

CERTIFICATE OF INTERESTED PERSONS (FORM 1295) INSTRUCTIONS

CONTRACT TEMPLATES (VARIOUS TYPES)

RFP AND RFQ

BOARD OF ALDERMEN

AGENDA ITEM MEMORANDUM

6/16/2016
Item #6
Page 1 of 2

DEPT/DIVISION REVIEW: Chrissy Lee, Planning and Development

ITEM DESCRIPTION: Consider and take action on waivers to Section 3.5, Sidewalks, and Section 5.5D, Ramps, of the Village of Salado Subdivision Ordinance 2009.03 for a construction plat of Mill Creek Springs, Phase VIII, a subdivision in the ETJ.

ITEM SUMMARY AND ANALYSIS: This is the 8th phase in a multi-phase planned community. The Concept Plan has been updated to reflect actual phased development build-out. Attached is a summary of the code provisions that are requested to be waived.

Note: A Subdivision Ordinance amendment was passed at the BOA meeting on June 9, 2016, that alleviated the requirement for internal sidewalks on lots half-acre or larger. Because all lots are one-half acre or greater, this waiver for internal sidewalks is not needed. However, perimeter sidewalks and adjacent road improvements still are required as per the Subdivision Ordinance and impact long-term thoroughfare viability and planning.

In order for waivers to be approved, the following findings must be made:

- “a. General. Where the Planning & Zoning Commission recommends, and the Board of Aldermen finds, that undue hardships will result from strict compliance with a certain provision(s) of this Ordinance, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a waiver/suspension from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver/suspension shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the Board of Aldermen shall not approve a waiver/suspension unless it shall make findings based upon the evidence presented to it in each specific case that:
1. Granting the waiver/suspension will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver/suspension will not prevent the orderly subdivision of other property in the vicinity;
 2. The conditions upon which the request for a waiver/suspension is based are unique to the property for which the waiver/suspension is sought, and are not applicable generally to other property;
 3. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 4. The waiver/suspension will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan or any other adopted plan(s) or ordinance(s) of the Village;
 5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

Such findings of the Board of Aldermen, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board of Aldermen meeting at which a waiver/suspension is considered. A waiver/suspension from any provision of this Ordinance may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the property owner or developer, standing alone, shall not be deemed to constitute undue hardship.”

FISCAL IMPACT: Waiver of the perimeter street improvements and perimeter sidewalk will result in the Village needing to identify funding for and to pay for the upgrades in the future.

P&Z RECOMMENDATION: The Planning & Zoning Commission voted unanimously at its June 7, 2016, meeting to waive the requirements for Section 3.5, Sidewalks, and Section 5.5D, Ramps, for both internal and external streets.

ATTACHMENTS:

- Letter of request from Applicant’s engineer
- Code provisions that apply to the waiver request
- Final Plat of Mill Creek Springs Phase VIII
- Concept Plan

Code Provisions That Apply to the Waiver Request

1) Section 3.1: Streets

c. Adequacy of Streets and Thoroughfares

5. Off-Site Improvements

Where traffic impact analysis demonstrates the need for such facilities, or where the Village believes public safety is at risk, the property owner shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or in conjunction with related developments. The Village may participate in the costs of oversize improvements with the property owner as set out herein, and subject to the Village's cost participation policies on oversized improvements.

2) Section 3.5: Sidewalks

a. Pedestrian concrete walkways (sidewalks) not less than four feet (4') wide shall be required within a residential subdivision on both sides of Type 1, 2 and 3 streets, in accordance with the Thoroughfare Plan and sidewalks not less than five feet (5') wide shall be provided within all nonresidential developments and along all perimeter arterials, as set forth in the Village of Salado's TCSS and in applicable state standards. Root barriers shall be installed underneath, and along with the construction of, all required sidewalks. Barrier-free ramps shall be constructed at all street intersections and at any other locations deemed appropriate by the Village due to anticipated pedestrian travel patterns. Sidewalks shall be constructed within the street right-of-way, one foot (1') away from the right-of-way line, and at least five feet (5') away from the street curb. In certain instances, the Board of Aldermen may, at its sole discretion, approve placement of the sidewalk adjacent or closer than five feet (5') to the curb provided that such placement benefits the general public by allowing more space for landscaping, such as for street trees, screening shrubs, and decorative walls and fences, and provided that the width is increased to a minimum of five feet (5') of sidewalk pavement or to such a width as may be needed in the interest of public safety.

b. All sidewalks along a perimeter roadway or arterial are considered part of the overall development's required public improvements and shall be installed prior to acceptance of the subdivision by the Village and prior to final plat approval, unless surety is provided, per Section 6. In any event, a Certificate of Occupancy will not be issued for any lot within the subdivision until the required sidewalks are in place or appropriate surety is provided.

3) Section 5.5: Street and Alley Improvements

d. In addition to the above mentioned minimum standards, barrier-free ramps for physically challenged persons shall be constructed at all street corners, driveway approaches, appropriate mid-block crosswalks, and in locations where accessible parking spaces are provided. All barrier-free ramps and other accessibility considerations shall comply with Section 228 of the Highway Safety Act, as currently amended, and with the Americans With Disabilities Act (ADA), as amended.

4) Section 5.9: Improvement of Adjacent (Perimeter) Streets

a. When a proposed subdivision, whether residential or nonresidential, abuts on one or both sides of an existing substandard street, or on a planned or future road as shown on the Transportation Plan, being substandard according to the then existing current Transportation Plan, the developer shall be required to improve his or her reasonable share of the existing on-site facility as that term is defined herein, including appurtenant sidewalks, barrier-free ramps, screening and

landscaping, median openings and/or left turn lanes (if a divided thoroughfare), storm drainage structures, water quality or erosion controls, and other utilities as defined in Section 1.13, to bring the same to Village standards, or to replace it with a standard Village street as determined by the traffic impact analysis, if required, at no cost to the Village.

- b. The developer's share of improvements to a substandard perimeter road shall be fourteen feet (14') of pavement (including curb, if any), which is approximately equivalent to half of a collector street width (i.e., two through traffic lanes), along the entire front footage of the subdivision, unless the traffic impact analysis, if required, indicates that some other pavement width is needed to achieve and maintain an acceptable level of service on the roadway. If the subdivision is to be located on both sides of the roadway, fourteen feet (14') of pavement shall be constructed by the developer on each side of the road along the entire front footage of the subdivision on each respective side of the road, unless the traffic impact analysis determines otherwise. Design and construction of the roadway shall be in accordance with the Village's Transportation Plan (with respect to right-of-way width and general location), the TCSS Manual, and with any other applicable Village codes and ordinances. Depending upon the specific roadway in question, and upon the traffic impact analysis results, any oversizing above the fourteen-foot (14') width shall be borne by the Village, the County, the State or by some other entity. The Board of Aldermen may, at its option, accept escrow funds in lieu of immediate roadway construction if the subdivision derives principal access from another improved roadway and if delaying construction and improvement of the road will not harm or otherwise inconvenience neighboring property owners or the general public.
- c. Streets which dead-end at power lines or similar rights-of-way or easements, and which are intended for future extension across these rights-of-way or easements, shall be constructed in the right-of-way or easement for half the distance across the right-of-way or easement, and shall be further restricted as set forth in Section 3.1 of this Ordinance. As with any other dead-end street, a note shall be placed on the final plat clearly labeling the dead-end streets that will, at some point, be extended across the power line easement (or right-of-way), and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage size and lettering shall be large enough to be legible by a person with normal vision at a distance of twenty feet (20').



TURLEY ASSOCIATES, INC.

301 NORTH THIRD STREET • TEMPLE, TEXAS 76501 • (254) 773-2400
F-1658 FAX • (254) 773-3998

April 21, 2016

Board of Alderman
Village of Salado
P.O. Box 219
Salado, TX 76571

Re: Mill Creek Springs, Phase VIII

Dear Alderman:

On behalf of our client, Turley Associates, Inc. respectfully requests that the Board consider the following request for variances to the Village of Salado Subdivision Ordinance for the Mill Creek Springs, Phase VIII development.

Section 3.5: Sidewalks

The Village of Salado Subdivision Ordinance requires that sidewalks not less than 4' wide be constructed on both sides of residential streets and 5' wide along all perimeter arterials. Turley Associates, Inc. requests that the Board of Alderman grant a variance to this requirement for this development.

This development is the current phase of a planned community that began more than a decade ago and should be vested as such. None of the previous phases included the 4' sidewalk along both sides of the residential streets. Construction of sidewalks for this phase would not provide any connectivity to other pedestrian facilities.

The sidewalks along the residential streets would be located within Bell County right-of-way and Bell County will not maintain sidewalks.

The Americans with Disabilities Act (ADA) requires public sidewalks to be constructed with no more than a 5% running slope. This development has street grades in excess of 8%, which although meets the local criteria for maximum street grades, will not meet ADA standards for sidewalk construction. Numerous ramps, switchbacks and handrails would be necessary to achieve ADA compliance and there is not enough room within the right-of-way to accomplish this.

Per the Village of Salado Subdivision Ordinances, a 5' wide sidewalk would be required along the frontage of Blackberry Road. Turley Associates, Inc. requests a variance to the sidewalk ordinance at this location as well. With the speeds along Blackberry Road, the lack of traditional curb and gutter and the existing road side channels a sidewalk is not safe at this location. The roadside channels present a unique challenge to constructing sidewalk along Blackberry. The channels begin almost adjacent to the edge of

existing asphalt and are 1' to 2' in depth and extend to the property lines of Blackberry. Bell County has stated that these channels must remain in order to convey drainage along Blackberry. Any placement of sidewalk within the right-of-way will result in the alteration of these channels and a loss of capacity. If a sidewalk were to be constructed a handrail would be required between the sidewalk and the drainage channel to be in ADA compliance. Also, a sidewalk in this location would not provide any connectivity to other pedestrian facilities.

Section 3.1: Streets (3.1.c.5)

This section of the Subdivision Ordinance discusses Off-Site Improvements to perimeter streets, for this project that would be Blackberry Road. Blackberry Road in its entirety lies outside of the Village of Salado City Limits and is owned and maintained by Bell County. Currently the County has 50' of right-of-way for this road. The County and the Village have asked that an additional 5' of right-of-way be dedicated with this plat. The plat has been adjusted so that 0.397 acres of land is being dedicated to Bell County for right-of-way purposes.

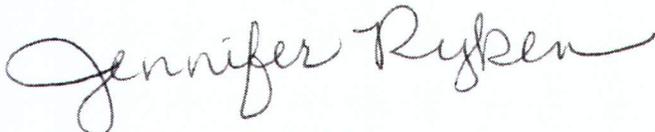
Blackberry Road is built to a rural cross section, that is with no curb and gutter and with roadside channels. Storm water from upstream of the proposed development flows through the roadside swales along with runoff from the project and continues to flow alongside Blackberry Road for approximately 2000' before being collected into a culvert at Marie. If ½ street improvements are required to bring Blackberry Road up to the Village of Salado standards it will compromise the existing drainage facilities. Currently ½ of the street is approximately 10' wide with a road side ditch whose top width is approximately 20' wide. This equals the existing width of the right of way plus the additional 5' of right-of-way that has been dedicated. A ½ street meeting the Village of Salado collector standards is 20' wide with ribbon curb. It is not physically possible to achieve a 20' wide channel and a 20' wide ½ street within this portion of Blackberry Road.

Turley Associates, Inc. requests that the Board of Alderman grant a variance to the requirement to improve ½ of Blackberry Road to Village of Salado collector width standards.

On behalf of our client, we would like to thank the Board for your consideration. Please feel free to call to discuss any questions or concerns that you might have regarding this project.

Sincerely,

TURLEY ASSOCIATES, INC.



Jennifer Ryken, P.E., C.F.M.
Project Engineer

CC: Mr. Bryan Neaves, P.E., Bell County Engineer's Office
Mr. Hal Anderson, Mill Creek Resources, Ltd.
Mr. John A. Simcik, P.E., C.F.M., KPA

BEING a 20.664 acre tract of land situated in the FELIPE MADRIGAL SURVEY, ABSTRACT No. 554, Bell County, Texas and being a part or portion of that certain 240963 acre tract of land described in a Warranty Deed dated September 19, 1997 from George N. Hester and wife, Ruth Ann Hester to Mill Creek Resources, Ltd., a Texas Limited Partnership and being of record in Volume 3688, Page 255, certain 23.658 acre tract of land described in a Warranty Deed dated October 26, 2004 from WA APF, Ltd., a Texas Limited Partnership; George N. Hester, Joe B. Hinton, and Sara L. Mackie to Mill Creek Resources, Ltd., a Texas Limited Partnership and being of record in Volume 5518, Page 570, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

INTERNAL point of the said 240963 acre tract and being the southeast corner of Lot 8, Block 5, Mill Creek Springs, Phase V according to the map or plat of record in Cabinet D, Slide 52-D, Plat Records of Bell County, Texas and being the northeast corner of a 0.929 acre tract of land described as "TRACT A" in said Cabinet D, Slide 52-D for corner:

THENCE departing the said "TRACT A" and with the east boundary line of the said Mill Creek Springs, Phase V and over across the said 240963 acre tract and continuing over and across the following three (3) calls:

1) N. 22° 24' 36" W., 261.88 feet in Cabinet D, Slide 52-D)
 (Bearing Base) with the east boundary line of the said Lot 8, Block 5, Mill Creek Springs, Phase V and continuing over and across the right-of-way line of the said Park View Drive and being in the south boundary line of Lot 3, Block 3, the said Park View Drive and being at the beginning of a non-tangent curve to the left having a radius equals 375.00 feet (calls 375.00 feet in Cabinet D, Slide 52-D), chord bearing equals N. 59° 49' 47" E., 103.22 feet (calls 5.59° 38' 33" W., 103.70 feet in Cabinet D, Slide 52-D) for corner;

2) 103.55 feet along the arc of said curve to the left (calls 104.03 feet in Cabinet D, Slide 52-D) with the said north right-of-way line and with the said south boundary line to a ½" iron rod with cap stamped "RPLS 2475" found being the southeast corner of the said Lot 3, Block 3 for corner;

3) N. 38° 19' 33" W., 281.74 feet (calls 5.38° 25' 28" E., 281.74 feet in Cabinet D, Slide 52-D) departing the said north right-of-way line and with the east boundary line of the said Lot 3, Block 3 and continuing with the east boundary line of Lot 2, said Block 3 to a ½" iron rod with cap stamped "RPLS 2475" found being the northeast corner of Lot 1, said Block 3 for corner;

THENCE departing the said Mill Creek Springs, Phase V and over and across the said 21.631 acre tract and continuing over and across the following line of the said THENCE N. 70° 18' 01" W., 157.63 feet departing the said west right-of-way line and with the south boundary line of the said 23.658 acre tract and with the north boundary line of the said right-of-way dedication tract and continuing with the north boundary line of Lot 10, Block 1, said Mill Creek Springs-Blackberry and continuing over and across the said 240963 acre tract to a ½" iron rod found being the northwest corner of the said Lot 10, Block 1 for corner:

THENCE S. 43° 07' 13" W., 124.80 feet departing the said 23.658 acre tract and continuing over and across the said 240963 acre tract and with the west boundary line of the said Lot 10, Block 1, Mill Creek Springs-Blackberry to a ½" iron rod found being an angle point in the west boundary line of the said Lot 10, Block 1 for corner;

THENCE S. 19° 08' 08" W., 219.69 feet continuing over and across the said 240963 acre tract and with the west boundary line of the said Mill Creek Springs-Blackberry to a ½" iron rod found being in the west boundary line of Lot 8, Block 1, said Mill Creek Springs-Blackberry and being the most easterly corner of a tract of land described as "TRACT A" according to the said map or plat of Mill Creek Springs, Phase V for corner;

THENCE N. 56° 53' 15" W., 222.97 feet departing the said Mill Creek Springs-Blackberry and with the easterly boundary line of the said "TRACT A" and continuing over and across the said 240963 acre tract to the Point of BEGINNING and containing 20.664 acres of land.

7) N. 18° 25' 56" E., 205.88 feet to a ½" iron rod with cap stamped "RPLS 2475" set being at the beginning of a non-tangent curve to the left having a radius equals 5237.39 feet, chord bearing equals N. 64° 09' 48" W., 181.3 feet for corner;

8) 181.3 feet along the arc of said curve to the left to a ½" iron rod with cap stamped "RPLS 2475" set for corner;

9) N. 19° 38' 06" E., 278.01 feet to a ½" iron rod with cap stamped "RPLS 2475" set being in the northerly boundary line of the said 240963 acre tract and being in the southerly boundary line of that certain 11.715 acre tract of land described in General Warranty Deed dated January 3, 2008 from Betty Berry Stacy to Bodie Garrett Stacy and being of record in Document No. 2008-00000740, Official Public Records of Bell County, Texas for corner;

THENCE S. 69° 49' 32" E., 407.50 feet with the said northerly boundary line and said Mill Creek Springs, Phase V and being at the beginning of a non-tangent curve to the left having a radius equals 375.00 feet (calls 375.00 feet in Cabinet D, Slide 52-D), chord bearing equals N. 59° 49' 47" E., 103.22 feet (calls 5.59° 38' 33" W., 103.70 feet in Cabinet D, Slide 52-D) for corner;

10) 3.55 feet along the arc of said curve to the left (calls 3.55 feet in Cabinet D, Slide 52-D) with the said north right-of-way line and with the said south boundary line to a ½" iron rod with cap stamped "RPLS 2475" found being the southeast corner of the said Lot 3, Block 3 for corner;

THENCE S. 17° 59' 01" W., 1458.80 feet departing the said 11.715 acre tract and with the east boundary line of the said 240963 acre tract and partway with the right-of-way line of the said 23.658 acre tract and with the said west boundary line of the said 23.658 acre tract and with the southeast corner of the said right-of-way line to a ½" iron rod found being the southeast corner of the said 23.658 acre tract and being the northeast corner of a tract of land dedicated to Bell County for right-of-way purposes according to the map or plat of Mill Creek Springs-Blackberry being of record in Cabinet C, Slide 190-B, Plat Records of Bell County, Texas for corner;

THENCE N. 70° 18' 01" W., 157.63 feet departing the said west right-of-way line and with the south boundary line of the said 23.658 acre tract and with the north boundary line of the said right-of-way dedication tract and continuing with the north boundary line of Lot 10, Block 1, said Mill Creek Springs-Blackberry and continuing over and across the said 240963 acre tract to a ½" iron rod found being the northwest corner of the said Lot 10, Block 1 for corner:

THENCE S. 43° 07' 13" W., 124.80 feet departing the said 23.658 acre tract and continuing over and across the said 240963 acre tract and with the west boundary line of the said Lot 10, Block 1, Mill Creek Springs-Blackberry to a ½" iron rod found being an angle point in the west boundary line of the said Lot 10, Block 1 for corner;

THENCE S. 19° 08' 08" W., 219.69 feet continuing over and across the said 240963 acre tract and with the west boundary line of the said Mill Creek Springs-Blackberry to a ½" iron rod found being in the west boundary line of Lot 8, Block 1, said Mill Creek Springs-Blackberry and being the most easterly corner of a tract of land described as "TRACT A" according to the said map or plat of Mill Creek Springs, Phase V for corner;

THENCE N. 56° 53' 15" W., 222.97 feet departing the said Mill Creek Springs-Blackberry and with the easterly boundary line of the said "TRACT A" and continuing over and across the said 240963 acre tract to the Point of BEGINNING and containing 20.664 acres of land.

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THENCE N. 56° 53' 15" W., 222.97 feet departing the said Mill Creek Springs-Blackberry and with the easterly boundary line of the said "TRACT A" and continuing over and across the said 240963 acre tract to the Point of BEGINNING and containing 20.664 acres of land.



Michael E. Alvis
 Michael E. Alvis, R.P.L.S. #5402
 November 12, 2015



TURLEY ASSOCIATES, INC. (281) 773-2400
 ENGINEERING • PLANNING • SURVEYING
 CONSTRUCTION MANAGEMENT
 301 N. 3rd ST. TEMPLE, TEXAS 76701
 F-MAIL: MAIL@TURLEY-INC.COM FAX NO. (254) 773-3998
 SURVEY FIRM # 10059000
 ENGINEER FIRM # 1-1808

FINAL PLAT FOR:
 MILL CREEK SPRINGS, PHASE VIII
 FELIPE MADRIGAL SURVEY
 ABSTRACT NO. 554
 A SUBDIVISION TO BELL COUNTY, TEXAS
 PREPARED FOR:
 MILL CREEK RESOURCES, LTD.
 P.O. BOX 487
 SALADO, TEXAS 76571

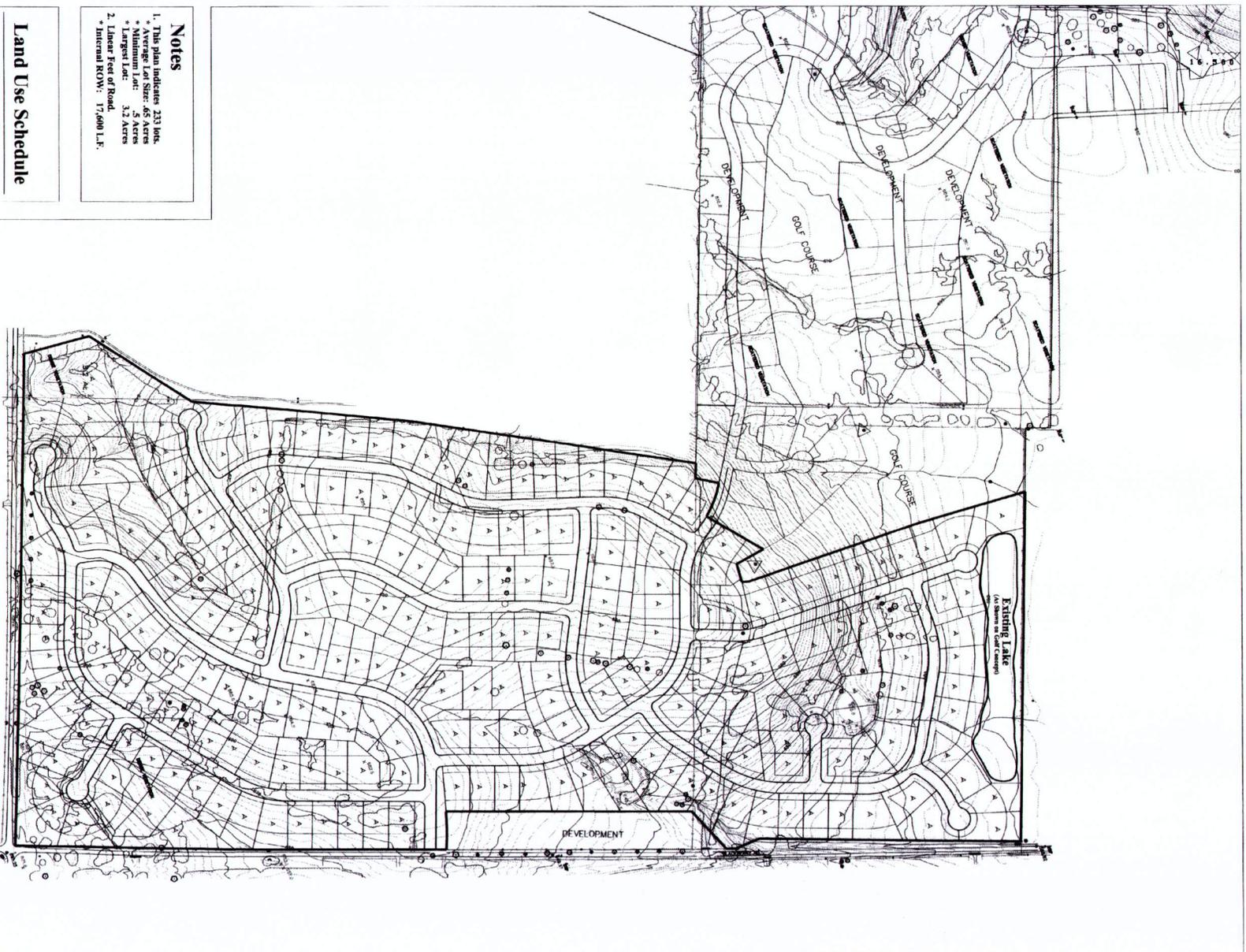
REVISIONS			

DATE: SEPTEMBER 24, 2015
 DRN. BY: MWA
 REF.:
 LEVEL BOOK:
 JOB NO.: 15-386
 SHEET 2 OF 2
 COMPANY: MLLCRESRPH0803015
 DRAWING NUMBER: 13083-D

26 LOTS, 3 BLOCKS
 PHASE VIII
 MILL CREEK SPRINGS
 FINAL PLAT FOR

OUT OF AND A PART OF THE FELIPE MADRIGAL SURVEY, ABSTRACT NO. 554, BELL COUNTY, TEXAS

DATE PLOTTED: 11/13/15 11:58 AM



Notes

- This plan indicates 233 lots.
 - * Average Lot Size: 65 Acres
 - * Minimum Lot: 5 Acres
 - * Largest Lot: 3.2 Acres
- Linear Feet of Road:
 - * Internal ROW: 17,600 L.F.

Land Use Schedule

Use	Acreage
Residential Area	1519 Ac.
Existing Lake	4.7 Ac.
ROW	206 Ac.
Common Open Space	13 Ac.
Total	1785 Ac.



Mill Creek Resources, LTD.

PH: 1.208.851.0942 WWW.MCR.COM

Conceptual Lotting Plan A



NORTHERN DESIGN GROUP



SCALE: 1" = 200'
 0' 100' 200' 400'
 RVI
 817 Spring Street, Suite 200
 Reno, NV 89501
 775.784.2200
 www.rvi.com

BOARD OF ALDERMEN

AGENDA ITEM MEMORANDUM

6/16/2016
Item #7
Page 1 of 2

DEPT/DIVISION REVIEW: Chrissy Lee, Planning and Development

ITEM DESCRIPTION: Consider and take action on waivers to Section 3.1C5, Offsite Improvements, and Section 5.9, Perimeter Street Improvements, of the Village of Salado Subdivision Ordinance 2009.03 for a construction plat of Mill Creek Springs, Phase VIII, a subdivision in the ETJ.

ITEM SUMMARY AND ANALYSIS: This is the 8th phase in a multi-phase planned community. The Concept Plan has been updated to reflect actual phased development build-out. Attached is a summary of the code provisions that are requested to be waived.

In order for waivers to be approved, the following findings must be made:

- “a. **General.** Where the Planning & Zoning Commission recommends, and the Board of Aldermen finds, that undue hardships will result from strict compliance with a certain provision(s) of this Ordinance, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a waiver/suspension from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the waiver/suspension shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the Board of Aldermen shall not approve a waiver/suspension unless it shall make findings based upon the evidence presented to it in each specific case that:
1. Granting the waiver/suspension will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other property, and the waiver/suspension will not prevent the orderly subdivision of other property in the vicinity;
 2. The conditions upon which the request for a waiver/suspension is based are unique to the property for which the waiver/suspension is sought, and are not applicable generally to other property;
 3. Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 4. The waiver/suspension will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan or any other adopted plan(s) or ordinance(s) of the Village;
 5. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

Such findings of the Board of Aldermen, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board of Aldermen meeting at which a waiver/suspension is considered. A waiver/suspension from any provision of this Ordinance may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured

and substantial justice done. Pecuniary hardship to the property owner or developer, standing alone, shall not be deemed to constitute undue hardship.”

FISCAL IMPACT: Waiver of the perimeter street improvements and perimeter sidewalk will result in the Village needing to identify funding for and to pay for the upgrades in the future.

P&Z RECOMMENDATION: The Planning & Zoning Commission considered these waivers at its June 7, 2016, meeting. However, both measures died for lack of a second.

ATTACHMENTS:

- Refer to attachments in Item #6

BOARD OF ALDERMEN

AGENDA ITEM MEMORANDUM

6/16/16
Item #8
Regular Agenda
Page 1 of 1

DEPT/DIVISION REVIEW: Kim Foutz, Village Administrator

ITEM DESCRIPTION: PUBLIC HEARING – Presentation, public hearing, and possible action on an Ordinance of the Board of Alderman of the Village of Salado, Texas, establishing an Ordinance relating to “the Intentional Feeding and Disposal of Deer;” creating an Offense; providing a Penalty Clause; establishing a fine of no less than \$75 or more than \$125 per Feeding Offense; establishing a Fee of \$50 per Carcass for Removal from private property; repealing conflicting ordinances; providing a Severability Clause; and establishing an Effective Date.

ITEM SUMMARY AND ANALYSIS: This item originally was submitted by Alderman Dankert in 2015 and established penalties only for the feeding of deer. The ordinance was discussed in workshops on June 18, July 2, and July 9, 2015. During the workshops, Alderman Dankert reported that the urban deer population poses a hazard to motorists, destroys gardens, and spreads disease. She also reported that because of the current excessive population, the deer are starving. The ordinance was considered by the BOA at its July 16, 2015, meeting but failed by a 2-3 vote.

A Town Hall meeting took place on October 22, 2015, featuring experts in the area of urban deer management. At that time, Lewis Raney, M.D., was appointed to serve as chairman of a committee assigned to study the issue. When the Village established a policy for Boards and Committees, the Deer Committee was absorbed into the Environmental Committee, with Dr. Raney as chairman.

The Environmental/Deer Committee has made the deer overpopulation its priority. The Committee has met three times and has discussed potential methods of population control. In the meantime, it has come forth with Ordinance 2016.15 to address the intentional feeding of wild deer, establish enforcement and penalties, and establish a fee for the removal of deer from private premises by Village staff.

STAFF / COMMITTEE RECOMMENDATION: The Environmental/Deer Committee recommends approval.

FISCAL IMPACT: Administrative costs associated with enforcement, assessing penalties, and carcass disposal.

ATTACHMENTS:

- Proposed Ordinance 2016.15, redline and clean copies
- Exhibit A, redline and clean copies

Ordinance No. 2016.015
Village of Salado
County of Bell
State of Texas

ORDINANCE NO. 2016.15

INTENTIONAL FEEDING AND DISPOSAL OF DEER

AN ORDINANCE OF THE BOARD OF ALDERMAN OF THE VILLAGE OF SALADO, TEXAS, ESTABLISHING AN ORDINANCE RELATING TO "THE INTENTIONAL FEEDING AND DISPOSAL OF DEER;" CREATING AN OFFENSE; PROVIDING A PENALTY CLAUSE; ESTABLISHING A FINE OF NO LESS THAN \$75 OR MORE THAN \$125 PER FEEDING OFFENSE; ~~AND NO LESS THAN \$150 OR MORE THAN \$300 PER MANAGEMENT OFFENSE;~~ ESTABLISHING A FEE OF \$50 PER CARCASS FOR REMOVAL FROM PRIVATE PROPERTY; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Village of Salado (Village) has a significant deer population that has been increasing; and

WHEREAS, the deer population in the Village poses a hazard to motorists in the Village, causes a reduction in plant life and other wild animals, and causes damage to landscaping installed by residents and commercial landowners of the Village; and

WHEREAS, the feeding of deer has been shown to increase the concentration of deer in the area of feeding, thereby increasing the likelihood of collisions between vehicles and deer, increasing tick-borne diseases in pets and other wildlife, and increasing damage to vegetation and landscaping in the area; and

WHEREAS, the feeding of deer has been shown to encourage deer to remain in an urbanized area and to become reliant on non-native food sources that may not be sustainable or healthy; and

WHEREAS, the handling of deer carcasses reduces health and safety concerns with residents within the Village; and

WHEREAS, the Board of Aldermen finds that the adoption of an ordinance regulating the intentional feeding of deer promotes the health, safety and welfare of the citizens of the Village; and

WHEREAS, the Board of Aldermen finds that the successful management of the deer population within the Village must be conducted through safe, sustainable methods;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas, that:

Section 1.

The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 2.

Ordinance _____ of the Code of Ordinances relating to “The Intentional Feeding and Disposal of Deer” is hereby adopted as detailed in the attached **Exhibit A**.

Section 3.

If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 4.

All ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the Village not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5.

The Mayor is hereby authorized to sign this ordinance and the Village Secretary to attest. This Ordinance shall become effective in accordance with the provisions of the Charter of the Village of Salado.

PASSED and APPROVED this the ____ day of _____, 2016, by a ____ (ayes) to ____ (nays) to ____ (abstentions) vote of the Board of Aldermen of the Village of Salado, Texas.

THE VILLAGE OF SALADO, TEXAS:

Skip Blancett, Mayor

ATTEST:

Mary Ann Ray, Village Secretary

Exhibit A

INTENTIONAL FEEDING AND DISPOSAL OF DEER

1. DEFINITION.

“Food” means corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed, birdseed or livestock feed, but excludes shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground from existing trees on site.

“Manage” means to treat, manage, capture, trap, hunt, or remove deer on private or Village-owned property.

“Disposal” means to get rid of, at the discretion of Village staff, the carcass or parts of a deer.

2. COMMUNITY EDUCATION.

The Village Administrator shall establish and implement a program to educate the community about the dangers of overpopulation of deer in urban and suburban areas.

3. FEEDING OF DEER PROHIBITED.

A. ~~(A)~~—Except as provided in subsection (C), a person commits an offense if the person intentionally feeds deer or makes food available for consumption by deer on private or public property within the territorial limits of the village.

B. ~~(B)~~—A person shall be presumed to have intentionally fed deer, or made food available for consumption by deer, if the person places food, or causes food to be placed, on the ground outdoors or on any outdoor platform that stands fewer than five feet above the ground.

C. ~~(C)~~—This section does not apply to an animal control officer, veterinarian, peace officer, City employee, federal or state wildlife official, or property owner who is participating in a program authorized by a local, state, or federal government to treat, manage, capture, trap, hunt, or remove deer and who is acting within the scope of the person's authority.

4. DEER CARCASS REMOVAL PROCESS.

A. A person residing within the Village limits may choose to dispose of a deer carcass by either (1) legally disposing of the carcass themselves by following all local, State, and Federal regulations regarding carcass disposal, or (2) contacting the Village staff to assist with carcass removal.

- B. A person shall report the death of a deer within Village limits to the Village staff by telephone or walk-in to the Village offices either (1) within 24 hours of the death of a deer, or (2) on the next regular business day for Village offices. Payment of pick-up fee is due at time of report.
- C. Village staff will make best effort to remove the deer carcass within 24 hours of the notification or the next business day. Deer carcass should be dragged to the front of the home or business, or be in an easily accessible location outside of fenced or otherwise enclosed areas. Exact location of the carcass shall be provided to Village staff.
- D. If Village staff cannot ~~access~~ remove the carcass due to limitations of the property, decomposition state of the carcass, ~~or other reasons not caused by Village staff~~, property owner will be responsible for carcass removal and fee will be refunded within 14 business days.
- D.E. Resident or property owner must sign a release of liability statement before carcass removal occurs.

5. AFFIRMATIVE DEFENSE.

It is an affirmative defense to prosecution under this chapter if a person places food, in good faith, for the purpose of feeding domestic livestock or pets located on the property.

6. ENFORCEMENT.

- A. ~~(A)~~ A person may report a violation of this chapter to the Village of Salado office.
- B. ~~(B)~~ The Salado Police Department or Code Enforcement Clerk may enforce this Chapter.

7. PENALTIES AND FEES.

- A. A person who violates this chapter by feeding deer commits an offense. An offense under this chapter is a Class C misdemeanor punishable by a fine of not less than \$75 or more than \$125 per feeding offense, ~~or a fine not less than \$150 or more than \$300 per management offense.~~
- B. Fees shall be assessed for the removal of carcasses on private property. The fee for carcass removal shall be \$50 per animal. Fee must be paid in full at Village office, or by telephone, before carcass will be removed. Failure to pay fee in a timely manner will prevent Village staff from removing the carcass.

**Ordinance No. 2016.015
Village of Salado
County of Bell
State of Texas**

ORDINANCE NO. 2016.15

INTENTIONAL FEEDING AND DISPOSAL OF DEER

AN ORDINANCE OF THE BOARD OF ALDERMAN OF THE VILLAGE OF SALADO, TEXAS, ESTABLISHING AN ORDINANCE RELATING TO “THE INTENTIONAL FEEDING AND DISPOSAL OF DEER;” CREATING AN OFFENSE; PROVIDING A PENALTY CLAUSE; ESTABLISHING A FINE OF NO LESS THAN \$75 OR MORE THAN \$125 PER FEEDING OFFENSE; ESTABLISHING A FEE OF \$50 PER CARCASS FOR REMOVAL FROM PRIVATE PROPERTY; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Village of Salado (Village) has a significant deer population that has been increasing; and

WHEREAS, the deer population in the Village poses a hazard to motorists in the Village, causes a reduction in plant life and other wild animals, and causes damage to landscaping installed by residents and commercial landowners of the Village; and

WHEREAS, the feeding of deer has been shown to increase the concentration of deer in the area of feeding, thereby increasing the likelihood of collisions between vehicles and deer, increasing tick-borne diseases in pets and other wildlife, and increasing damage to vegetation and landscaping in the area; and

WHEREAS, the feeding of deer has been shown to encourage deer to remain in an urbanized area and to become reliant on non-native food sources that may not be sustainable or healthy; and

WHEREAS, the handling of deer carcasses reduces health and safety concerns with residents within the Village; and

WHEREAS, the Board of Aldermen finds that the adoption of an ordinance regulating the intentional feeding of deer promotes the health, safety and welfare of the citizens of the Village; and

WHEREAS, the Board of Aldermen finds that the successful management of the deer population within the Village must be conducted through safe, sustainable methods;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas, that:

Section 1.

The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Section 2.

Ordinance 2016.15 of the Code of Ordinances relating to “The Intentional Feeding and Disposal of Deer” is hereby adopted as detailed in the attached **Exhibit A**.

Section 3.

If any provision of this ordinance or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 4.

All ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the Village not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 5.

The Mayor is hereby authorized to sign this ordinance and the Village Secretary to attest. This Ordinance shall become effective upon passage and appropriate publishing in the newspaper.

PASSED and APPROVED this the 16th day of June, 2016, by a _____ (ayes) to _____ (nays) to _____ (abstentions) vote of the Board of Aldermen of the Village of Salado, Texas.

THE VILLAGE OF SALADO, TEXAS:

Skip Blancett, Mayor

ATTEST:

Mary Ann Ray, Village Secretary

Exhibit A

INTENTIONAL FEEDING AND DISPOSAL OF DEER

1. DEFINITION.

“Food” means corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed, birdseed or livestock feed, but excludes shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground from existing trees on site.

“Manage” means to treat, manage, capture, trap, hunt, or remove deer on private or Village-owned property.

“Disposal” means to get rid of, at the discretion of Village staff, the carcass or parts of a deer.

2. COMMUNITY EDUCATION.

The Village Administrator shall establish and implement a program to educate the community about the dangers of overpopulation of deer in urban and suburban areas.

3. FEEDING OF DEER PROHIBITED.

- A. Except as provided in subsection (C), a person commits an offense if the person intentionally feeds deer or makes food available for consumption by deer on private or public property within the territorial limits of the village.
- B. A person shall be presumed to have intentionally fed deer, or made food available for consumption by deer, if the person places food, or causes food to be placed, on the ground outdoors or on any outdoor platform that stands fewer than five feet above the ground.
- C. This section does not apply to an animal control officer, veterinarian, peace officer, City employee, federal or state wildlife official, or property owner who is participating in a program authorized by a local, state, or federal government to treat, manage, capture, trap, hunt, or remove deer and who is acting within the scope of the person's authority.

4. DEER CARCASS REMOVAL PROCESS.

- A. A person residing within the Village limits may choose to dispose of a deer carcass by either (1) legally disposing of the carcass themselves by following all local, State, and Federal regulations regarding carcass disposal, or (2) contacting the Village staff to assist with carcass removal.
- B. A person shall report the death of a deer within Village limits to the Village staff by telephone or walk-in to the Village offices either (1) within 24 hours of the death of a

deer, or (2) on the next regular business day for Village offices. Payment of pick-up fee is due at time of report.

- C. Village staff will make best effort to remove the deer carcass within 24 hours of the notification or the next business day. Deer carcass should be dragged to the front of the home or business, or be in an easily accessible location outside of fenced or otherwise enclosed areas. Exact location of the carcass shall be provided to Village staff.
- D. If Village staff cannot remove the carcass due to limitations of the property, decomposition state of the carcass, or other reasons, property owner will be responsible for carcass removal and fee will be refunded within 14 business days.
- E. Resident or property owner must sign a release of liability statement before carcass removal occurs.

5. AFFIRMATIVE DEFENSE.

It is an affirmative defense to prosecution under this chapter if a person places food, in good faith, for the purpose of feeding domestic livestock or pets located on the property.

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- A. A person may report a violation of this chapter to the Village of Salado office.
- B. The Salado Police Department or Code Enforcement Clerk may enforce this Chapter.

7. PENALTIES AND FEES.

- A. A person who violates this chapter by feeding deer commits an offense. An offense under this chapter is a Class C misdemeanor punishable by a fine of not less than \$75 or more than \$125 per feeding offense.
- B. Fees shall be assessed for the removal of carcasses on private property. The fee for carcass removal shall be \$50 per animal. Fee must be paid in full at Village office, or by telephone, before carcass will be removed. Failure to pay fee in a timely manner will prevent Village staff from removing the carcass.