



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

**REGULAR AGENDA  
AND WORKSHOP AGENDA**

**THURSDAY, JULY 2, 2015 6:30 P.M.  
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. REPORTS**

Announcements concerning items of community interest. No action will be taken or discussed.

Mayor's Report

Police Department Report – Chief Jack Hensley

Fire Department Report – Chief Shane Berrier

Chamber of Commerce and Tourism Bureau Report – Debbie Charbonneau

- III. PROCLAMATIONS** – Presentation by Victor and Modene Marek for a second installment of \$1,000 for the Main Street Beautification Project

#### **IV. 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.

#### **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 Council, any item may be removed from the Consent Agenda at the request of any Alderman and will be considered separately.

4. Consider approving the Consent Agenda item:
  - (A) Minutes, Regular Meeting, June 18, 2015

#### **VI. REGULAR AGENDA**

**Resolutions** – n/a

**Public Hearings / Ordinances** –

5. Hold a public hearing and consider a variance from Section 3.4G2(b), Area Regulations of the Zoning Ordinance, and Section 4.1G4(a) for a residential minimum side yard setback at 1312 Mill Creek Drive.
6. Hold a public hearing and consider variances from Section 6.A(13) Prohibited Signs, Section 8.B (1), Area Limitations, and the Table of Standards for permanent signs: maximum height, of the sign ordinance for a commercial sign permit at 108 Royal.
7. Hold a public hearing and consider adopting an ordinance authorizing amendment to Ordinance 2014.08, amending the budget for the fiscal year beginning October 1, 2014, and ending September 30, 2015; establishing a budget for the Wastewater Fund.
8. Hold a public hearing and consider adopting an ordinance authorizing amendment to ordinance 2014.09A, amending the rules of procedure for Board of Aldermen meetings, changing the start time for regular meetings to 6:30 p.m.; establishing the second and the fourth Thursdays as workshop meeting dates with a meeting time of 6:00 p.m.; amending the deadlines for submitting requests for items to be included on the agenda; and amending the timeframe for submitting a public meeting appearance card.

**Miscellaneous** – n/a

## VII. WORKSHOP SESSION

Attendees, please note that Workshop Sessions are open to the public as mandated by the Open Meetings Act but are not participatory. The Board will discuss Agenda items but will not accept public comments or questions. Please make any comments to the Board during the Public Comments portion of the Regular Agenda.

9. Evaluation methodology for Public Safety Assessment.
10. Renaming the FM 2484 bridge over Interstate 35 the "Clark Davis Memorial Bridge".
11. Control measures for the deer population.
12. Landscape Ordinance

## VIII. EXECUTIVE SESSION

13. Discuss economic development projects as authorized by Texas Government Code § 551.087, Economic Development.

## IX. REGULAR SESSION

14. Presentation, discussion, and possible action on: 1) a Master Development Agreement with 4T-LFT Ventures, LP, for redevelopment of Stagecoach Inn and Restaurant; and 2) a Tourism Marketing Agreement with 4T-LFT Ventures, LP.

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 Friday, June 26, 2015.**

\_\_\_\_\_  
Mary Ann Ray, Village Secretary

Removed from display: \_\_\_\_\_

Village of Salado, TX  
**Regularly Scheduled Board of Aldermen**  
**Meeting Minutes**  
Municipal Building, 301 N. Stagecoach Rd.  
Thursday, June 18, 2015 6:30 p.m.

**Members present:** Mayor Skip Blancett, Mayor Pro Tem Fred Brown, Alderman Frank Coachman, Alderman Michael McDougal, Alderman Amber Preston Dankert

**Members Absent:** David Williams

**Others Present:** Kim Foutz, Village Administrator; Jack Hensley, Chief of Police; Christina Lee, Code Enforcement; Mary Ann Ray, Village Secretary

**I. Call To Order:** Mayor Blancett called the meeting to order at 6:35 p.m., quorum present.

1. Minister Joe Keyes of Salado Church of Christ, led the invocation
2. Pledge of Allegiance and Texas Pledge were recited.

**II. Reports:**

**Mayor's Report:** The Mayor invited all in attendance to attend the Dog Days event at the park and to bring their dogs. He reported that a very productive meeting took place Wednesday between the Street Improvement Committee and the Texas Department of Transportation, during which community concerns about the Interstate 35 reconstruction project were expressed. He deferred further comment to the committee report.

**Environmental Report:** Alderwoman Amber Dankert deferred discussion of the deer population until the workshop. She reported that the new high-flow gauge at Salado Creek is proving to be a benefit. She encouraged all in attendance to subscribe to the high-water alerts offered by United States Geological Survey.

**ETJ / Annexation Report:** Kim Foutz reported that there are three proposed voluntary annexations: Hidden Glen, Stinnett Hill, and the Salado Independent School District. She said the Village will continue to seek areas of opportunity for annexation within the law.

**Ordinance Committee Report:** Alderman Coachman reported that the committee has met twice and will present the Landscape Ordinance in workshop. There also has been updates to the Sign and Subdivision ordinances.

**Main Street Report:** Mayor Pro Tem Brown reported that a meeting will take place in the next 30 days to review the Main Street Plan developed by Texas A&M University students. He also reported that the check presentation for the Main Street project by Victor and Modene Marek will be postponed.

**Street Improvement Committee:** Alderman McDougal reported that progress is being made regarding street improvements for Salado Plaza, Thomas Arnold, and Mill Creek (complete). These repairs are still ahead of schedule. He also reported that a very favorable meeting took place Wednesday with retired Lt. Gen. Joe Weber, Executive Director of the Texas Department of Transportation. He said Mr. Weber listened to concerns and seemed genuinely interested in expediting the Interstate 35 reconstruction process through the Village.

**Stagecoach / Wastewater Report:** Village Administrator Foutz reported the contract with Bill Lawson for the sewer plant is in place and he is performing price comparisons for the items and equipment he needs. She said the Village needs to pass a budget for the plant; notice will be in the next Village Voice. She is working to establish a rate schedule. She reported that she is preparing to issue the bonds for the wastewater plant approved in the November 2014 bond election. She recommended moving forward with issuing the bonds as soon as possible to lock in the most favorable rate.

**Public Safety Report:** Alderwoman Dankert reported the committee has met twice since the last Board of Aldermen meeting. She said citizen safety was the top priority of the committee. The committee is starting with a

review of the Police Department to make sure all state standards are being met, followed by a review of the Fire Department. She asked for citizen input.

**Financial Report:** See handout.

### **III. Proclamations / Presentations**

3. None

### **IV. Public Comments:**

4. King Copeland spoke about the \$10.5 bond issue and his desire to make sure the funds are spent on what the community was told.

Pat Broecker deferred her comments until the agenda item.

### **V. Consent Agenda**

5. Consider approving the Consent Agenda items:

- a. Minutes, Special Called Meeting, June 4, 2015

*Motion was made by Alderman Coachman to approve the Consent Agenda as presented. Alderman McDougal seconded. The motion passed unanimously.*

### **VI. Regular Agenda:**

#### **RESOLUTIONS:**

6. Presentation, discussion, and possible action on Resolution R-2015-119, establishing an Economic Development Policy.

Administrator Foutz reviewed the proposed Resolution and the two categories of economic development: basic industry and tourism-oriented. She explained that there would be higher inducements for development in the Historical District and other redevelopment or target zones, including inducements for small businesses. These inducements would be tailored to Salado to meet the objectives of the community, a proactive plan that would send the message that Salado is open for business.

*Motion was made by Mayor Pro Tem Brown to approve Resolution R-2015-119. Alderman McDougal seconded. The motion passed unanimously (4,0).*

7. Presentation, discussion and possible action on Resolution R-2015-120, establishing a Tax Abatement Policy.

Administrator Foutz reviewed the proposed Resolution and defined eligible improvements focusing on job creation through new construction and expansion. She explained the proposed resolution is in line with what other communities are doing.

*Motion was made by Mayor Pro Tem Brown to approve Resolution R-2015-120. Alderman Coachman seconded. The motion passed unanimously (4,0).*

8. Presentation, discussion and possible action on Resolution R-2015-118 designating the FM 2484 bridge the "Clark Davis Memorial Bridge".

Alderwoman Dankert explained that Clark Davis, who was killed as a result of the collapse of the FM 2484 Bridge on March 26, 2015, was an exemplary individual, citing examples from his life. She said many communities have done similar memorials. She said that Mr. Davis' employer has

offered to underwrite the entire cost of the memorial sign and that TxDOT showed no hesitation despite pending legal action resulting from the collapse.

Citizen Pat Broeker spoke in opposition to the memorial.

*Motion was made by Mayor Pro Tem McDougal to postpone a vote on Resolution R-2015-118. Alderwoman Dankert seconded. The motion to postpone passed unanimously (4,0).*

## **PUBLIC HEARINGS / ORDINANCES**

9. Hold a Public Hearing and consider adopting Ordinance 2013.08.14, amending Ordinance 2013.08, Zoning Procedures and Administration, Section 2.1 Nonconforming Uses and Structures, as it relates to lots platted prior to September 18, 2003, that do not meet the minimum lot size.

Administrator Foutz explained that this amendment would address lots that were platted prior to September 2003 when the Zoning Ordinance was adopted. She said the Bell County Health District must approve the septic or sewer and the lots must maintain the minimum setbacks.

Citizen Pat Broeker expressed her concern about the maps showing the service area for the wastewater treatment plant.

Citizen Linda Reynolds expressed that it is important to acknowledge that the owners of these properties purchased them prior to the passage of the Zoning Ordinance and that this accommodation is proper, but everyone needs to know the rules now.

*Motion was made by Alderman Coachman to approve Ordinance 2013.08.14. Alderwoman McDougal seconded. The motion to postpone passed unanimously (4,0).*

## **MISCELLANEOUS:**

10. Presentation, discussion, and possible action on Resolution R-2015-116 authorizing Salado Police Officers to provide traffic control services and utilize police vehicles for James Construction Group, LLC on the I-35 Reconstruction Project.

Chief Jack Hensley reported that several cities and counties, including Burnet, Falls County, Bell County, Morgan's Point Resort, and Temple, all participate in this traffic control program and allow their chiefs to participate. He said that, at this time, he does not anticipate participating, but he would not mind if his service was requested.

*Motion was made by Mayor Pro Tem Brown to approve Resolution R-2015-116 to include participation by the Police Chief. Alderman McDougal seconded. The motion to postpone passed by a vote of 3 ayes to 1 nay (Alderwoman Dankert).*

*Mayor Blancett closed the Regular Session at 8:13 p.m.*

## **VII. Workshop Session:**

*Mayor opened the Workshop Session at 8:21 p.m.*

11. Review of Landscape Ordinance

Alderman Coachman explained that the purpose of the Landscape Ordinance is to add to property values, improve drainage, prevent erosion, and improve the quality and sustainability of development in the Village. Administrator Foutz showed a PowerPoint that detailed the requirements of the ordinance with respect to residential and commercial properties. Types of permissible plants and trees were discussed. The ordinance includes a tree replacement requirement; it was mentioned that, if a developer does not have enough room to replace the

required number of trees, the excess trees possibly could be donated to another parcel of land. Several changes were discussed including a provision for additional buffering for uses such as travel centers; and not allowing a change in elevation at the tree root line. This item will be discussed at one more workshop before action will be taken.

## 12. Proposed Wastewater Collection Lines

Discussion centered on which lines would be included in Phase 1. Committee members said that the areas to be included in the wastewater system have not changed. The Village should hear in the next few weeks about the \$1 million Economic Development Grant. Cost estimates and scheduling are underway and should be available from the engineers within one week. A decision must be made either to issue all bonds at once or issue in separate offerings. The Aldermen agreed with the recommended lines and improvements in Phase 1 to include: wastewater treatment plant, discharge line, Royal Street lines, two lift stations, Main Street line, and laterals from Main Street. The Brookshire's and associated shopping center line is proposed to be an E1 line and will be bid as an add-alternate depending on whether Brookshire's and the shopping center will pay for it.

## 13. Control Measures for Deer Population

Alderwoman Dankert discussed the deer census that will be taken in September and described the 8.87-mile route. She described the different methods of control: (1) lethal force with bows; (2) trap and relocate; and 3) trap and euthanize. Both (2) and (3) have high costs attached; she recommended using lethal force with bows as the most cost-efficient method. The Aldermen did not express concern about moving forward under this approach, and asked Alderman Dankert to continue to perform research regarding this approach, including a census count and logistics, and report back with a final recommendation.

Before closing the workshop, Mayor Blancett asked the Aldermen if they would prefer to hold workshops on alternate Thursdays from the Board of Aldermen meetings. This measure would shorten meeting times significantly. This change would require public notice and possibly an amendment to the ordinance governing Rules and Procedures for Board of Aldermen Meetings.

*Mayor closed the Workshop Session at 9:30 p.m.*

## **VIII. Executive Session:**

*Mayor opened the Executive Session at 9:35p.m.*

14. Discuss economic development projects as authorized by Texas Government Code § 551.087, Economic Development.
15. Discuss real estate as authorized by Texas Government Code § 551.072, Deliberations about Real Property.

*Mayor closed the Executive Session at 10:10 p.m.*

## **IX. Regular Session:**

16. Presentation, discussion, and possible action on: 1) a Master Development Agreement with 4T-LFT Ventures, LP, for redevelopment of Stagecoach Inn and Restaurant; and 2) a Tourism Marketing Agreement with 4T-LFT Ventures, LP.

Administrator Foutz asked to postpone discussion until the July 2, 2015, meeting of the Board of Aldermen.

*Motion was made by Mayor Pro Tem Brown to postpone discussion until the July 2, 2015, meeting. Alderman McDougal seconded. The motion to postpone passed unanimously (4,0).*

*There being no further business, the meeting was adjourned at 10:30 p.m.*

APPROVED: \_\_\_\_\_  
Skip Blancett, Mayor

ATTEST: \_\_\_\_\_  
Mary Ann Ray, Village Secretary

# BOARD OF ALDERMEN/ZONING BOARD OF ADJUSTMENTS

## AGENDA ITEM MEMORANDUM

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07/02/2015  
Regular Agenda  
Item # 5  
Page 1 of 4

**APPLICANT:** Joan Doctor

**CASE MANAGER:** Kim Foutz, Village Administrator

**ITEM DESCRIPTION:** PUBLIC HEARING – Hold a public hearing and consider a variance from Section 3.4G2(b), Area Regulations of the Zoning Ordinance, and Section 4.1G4(a) for a residential minimum side yard setback at 1312 Mill Creek Drive.

**BACKGROUND:** This variance request is for a covered patio which will be located in the side yard of a corner lot. This property is zoned SF-7, Single Family Residential. Section 3.4G2(b) of the Zoning Ordinance requires a minimum side yard of twenty feet (20') from a street right of way for a corner lot, furthermore, Section 4.1G4(a) requires an accessory building that is greater than two hundred and fifty square feet (250') and closer than ten feet (10') to the main structure meet the side yard requirements of the main building.

*Area Regulations: (language taken directly from Ordinance)*

### Section 3.4

#### G. Area Regulations

##### 2. Size of Yards

- a. *Minimum Front Yard – Minimum twenty-five feet (25')*
- b. *Minimum Side Yard – Minimum five feet (5'); twenty feet (20') from a street right-of-way for a corner lot*

### Section 4.1

#### G. Accessory Buildings and Use Regulations

##### 4. Area Regulations for Accessory Buildings in Residential and Multi-Family Districts

###### a. Size of Yards

- (1) *Front Yard: Detached accessory buildings shall be prohibited in front of the main building.*
- (2) *Side Yard: There shall be a side yard not less than three feet (3') from any side lot line or alley line for any accessory building that is less than two hundred and fifty (250) square feet in size. There shall be a side yard not less than five feet (5') from any side lot line or alley line for any accessory building that is two hundred and fifty (250) square feet or greater in size. The previous regulations apply to an accessory building that is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from the side yard shall have a minimum distance of twenty-five feet (25') from the side lot line, ally*

*line, alley easement line, or street. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25'), whichever is greater.*

The applicant has an existing side yard of thirty feet, seven inches (30.7'), which is the distance from the property line to the side of the main structure. The applicant is proposing a structure in the side yard where the driveway was once located. **\*\*Important Note** – the area in question was originally the driveway into the garage. The garage was converted into living space and the drive-way was converted into an outdoor entertainment area with seating, planters, and an arbor, which was a non-conforming use. At some point the non-conforming use was abandoned and the property owner is now requesting to reconstruct the use. The applicant has submitted a written request for special exemption from the requirements of Section 2.3 of the Zoning Ordinance in conjunction with the provisions of Section 2.3G4. The structure is to be a covered outdoor kitchen/seating area and will contain a stone fireplace which will back to De Grummond Way. The structure will be completely un-enclosed. The structure will be twenty-two by twenty-two feet (22' x 22'), as such it will reduce the applicant's side yard from thirty feet, seven inches (30.7') to eight feet, seven inches (8.7'). This will encroach into the required twenty foot (20') setback eleven feet, three inches (11.3').

Additionally, the reconstruction of the non-conforming use will completely eliminate the parking required by the zoning ordinance. The Applicant is proposing to construct a new garage in the side rear yard to address this issue.

**Section 2.3G – Variances:** The Zoning Board of Adjustments may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience, and welfare of the community.

In order for the Board to be in favor of this request, the Board must make affirmative findings of the specific conditions of the request in relation to all of the following four (4) items.

<b>Conditions to be Met for Approval</b> <b>Section 2.3G1&amp;2</b>	<b>Staff Analysis</b>
1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and	There are no special circumstances or conditions.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and	As per BOA determination.
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	A variance would not affect the public health, safety, or welfare of any person(s). It is up to the BOA to determine whether this structure is injurious to adjacent property.

4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.	A variance would not have the effect of preventing the orderly use of other land within the area.
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Additionally, the Board must make written finding that an undue hardship exists, using the following four criteria:

<b>Conditions to be Met for Finding of Undue Hardship Section 2.3G3</b>	<b>Staff Analysis</b>
1. That the literal enforcement of the controls will create unnecessary hardship or practical difficulty in the development of the affected property; and	There is no unnecessary hardship.
2. That the situation causing the hardship is neither self-imposed nor generally affecting all or most of the properties in the same zoning district; and	The situation is self-imposed. Other alternatives are available including re-orienting the patio or building it in the rear yard.
3. That the relief sought will not injure the permitted use of adjacent conforming property; and	The relief will not injure the permitted use of adjacent conforming property.
4. That the granting of the variance will be in harmony with the spirit and purpose of these regulations.	It is in harmony with the spirit of the regulations because she is bringing parking up to standard and is wanting to reassert her non-conforming use.

A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege of developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

**\*\*Special Consideration Exceptions for Non-conforming Uses and Structures** – upon written request of the property owner, the Zoning Board of Adjustments may grant special exceptions to the provisions of Section 2.3, limited to the following, and in accordance with the following standards.

<b>Special Exceptions Section 2.3G4</b>	<b>Staff Analysis</b>
1. Expansion of a non-conforming use within an existing structure provided that, in the case of a non-conforming residential use, such expansion does not increase the number of dwelling units to more than the number of existing when the use first became non-conforming; or	N/A
2. Expansion of the gross floor area of a non-conforming structure provided that such expansion does not decrease any existing setback.	N/A

<p>3. Change from one non-conforming use to another, re-construction of a non-conforming structure that has been totally destroyed, or resumption of a non-conforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land; or</p>	<p>The applicant has provided written request to resume the non-conforming use which was previously abandoned.</p>
<p>4. In granting special exceptions under this Section 2.3, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety, and general welfare, including but not limited to, conditions specifying the period during which the non-conforming use may continue to operate or exist before being conformed to the standards of the zoning ordinance.</p>	<p>Staff recommends that the BOA include the condition to reconstruct parking for the house.</p>

**STAFF RECOMMENDATION:**

Staff recommends approval subject to the permit for garage re-construction being submitted at the same time as the patio permit.

Staff mailed 17 notices to property owners within two hundred feet (200') of the variance site. As of 12:00 p.m. on June 26, 2015, 2 responses were received (both in favor). The newspaper printed notice of the public hearing on June 18, 2015, in accordance with state law and local ordinance.

**ATTACHMENTS:**

- Application
- Site plan
- Location map
- Written request for special exemption



ZONING VARIANCE APPLICATION

Date: 5-18-2015

APPLICANT

PROPERTY OWNER

Name: JOAN DOCTER
Mailing Address: 1312 MILL CREEK DR. SALADO, TX 76571
Daytime Phone: 254.231.2251 cell
Fax: E-mail: fiddler656@gmail.com

PROPERTY DESCRIPTION

Street Address: 1312 MILL CREEK DR. Acres:
Location: CORNER OF MILL CREEK DR. + DE GRUMMOND WAY
(ie: corner of & ; or, 1 mile south of FM ; etc.)

Existing use of property: SINGLE RESIDENTIAL
Are there buildings on the property? YES If yes, what are they used for. SHED FOR STORAGE

REQUESTED VARIANCE

I/We request a variance to Section 4.1.E of the Zoning Ordinance which requires...
a minimum distance of 25' from the street to
a garage or carport entered from side yard.

Instead, I/We would like to request...
a minimum distance of 22' from the street to
a covered patio entered from side yard.

Due to... Structures since 2007 and current structures

## SUBMITTAL REQUIREMENTS

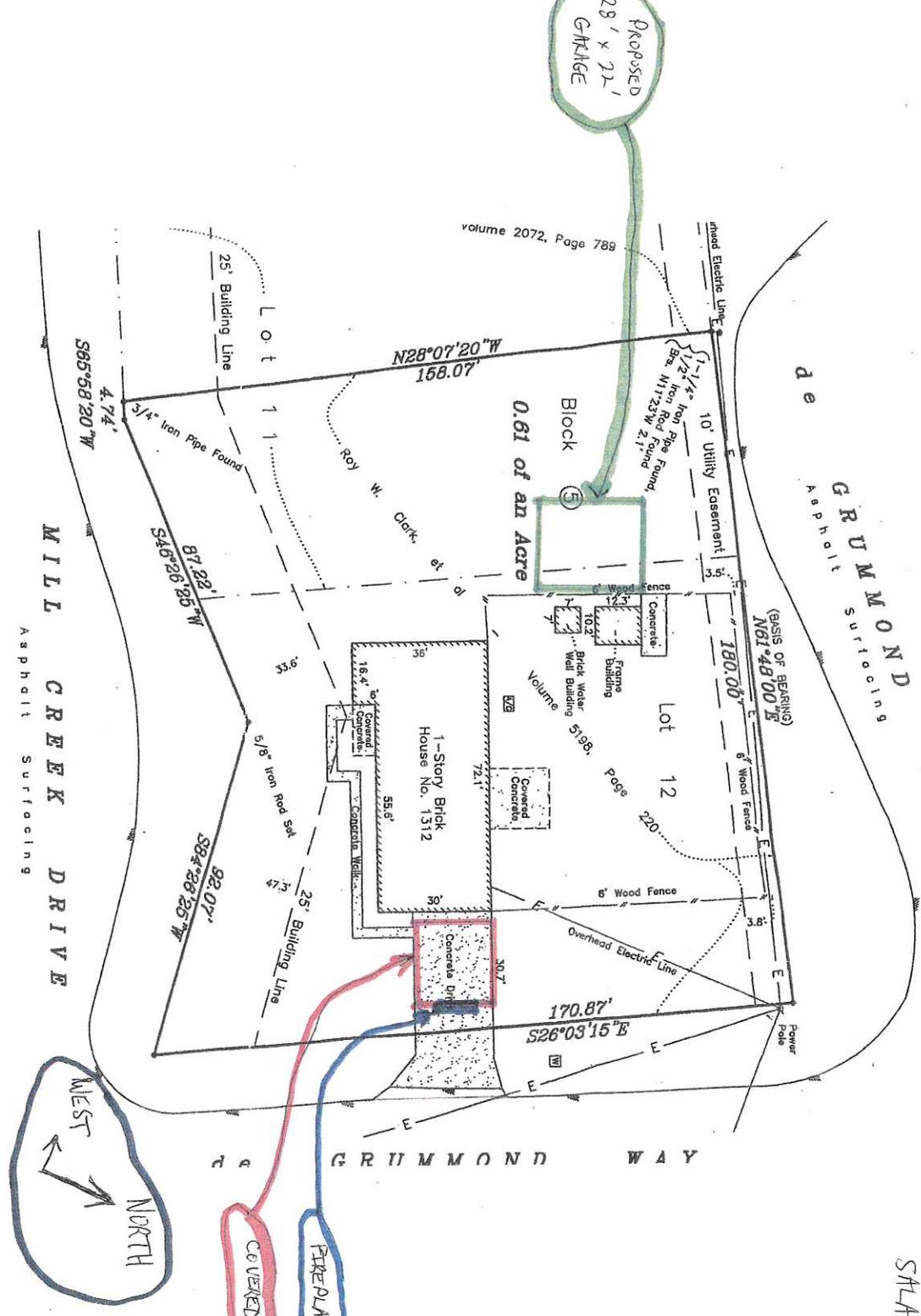
- \$250.00 Application Fee, due at time of application and payable to the Village of Salado.
- Site plan with additional information needed to properly and effectively review the request. 5 copies. (All drawings must be to scale.)

### PLEASE NOTE:

All agreements to the variance by neighbors of the property in question must be in writing to be submitted for support to the variance request.

No variance shall be granted unless the Zoning Board of Adjustments finds:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
- (4) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.



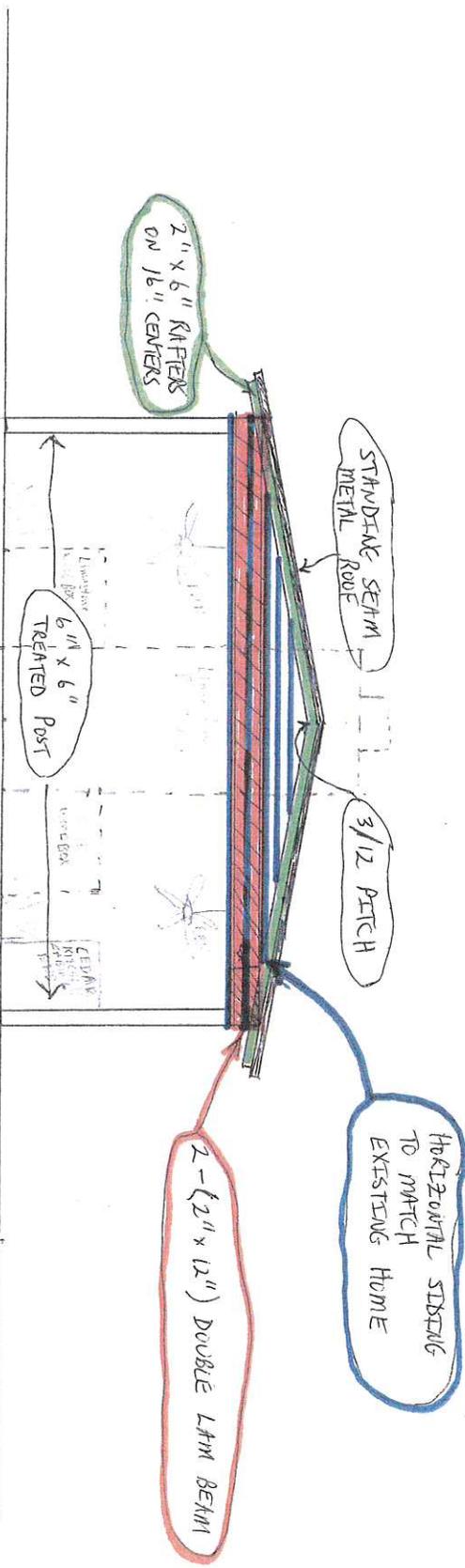
Homeowner - JEAN DOCTER  
 1312 MILL CREEK DRIVE  
 SHALHO, TX

19'	WEST EDGE OF ROAD TO PROPERTY LINE
22'	WEST EDGE OF ROAD TO FIREPLACE BACK WALL
24'	WEST EDGE OF ROAD TO EDGE OF COVERED PATIO
30'	CENTER OF ROAD TO PROPERTY LINE

SIDE STREET VIEW  
 FROM DE GRUMMEND WAY

SCALE - 1 SQ = 1 FT

HOMEBURGER - JUAN DOCTER  
 1312 MILL CREEK DR  
 SALADO, TX



\* GRASSY TOPS ON E. END OF LOT  
 UNDEVELOPED AREA (SEE PLAN)

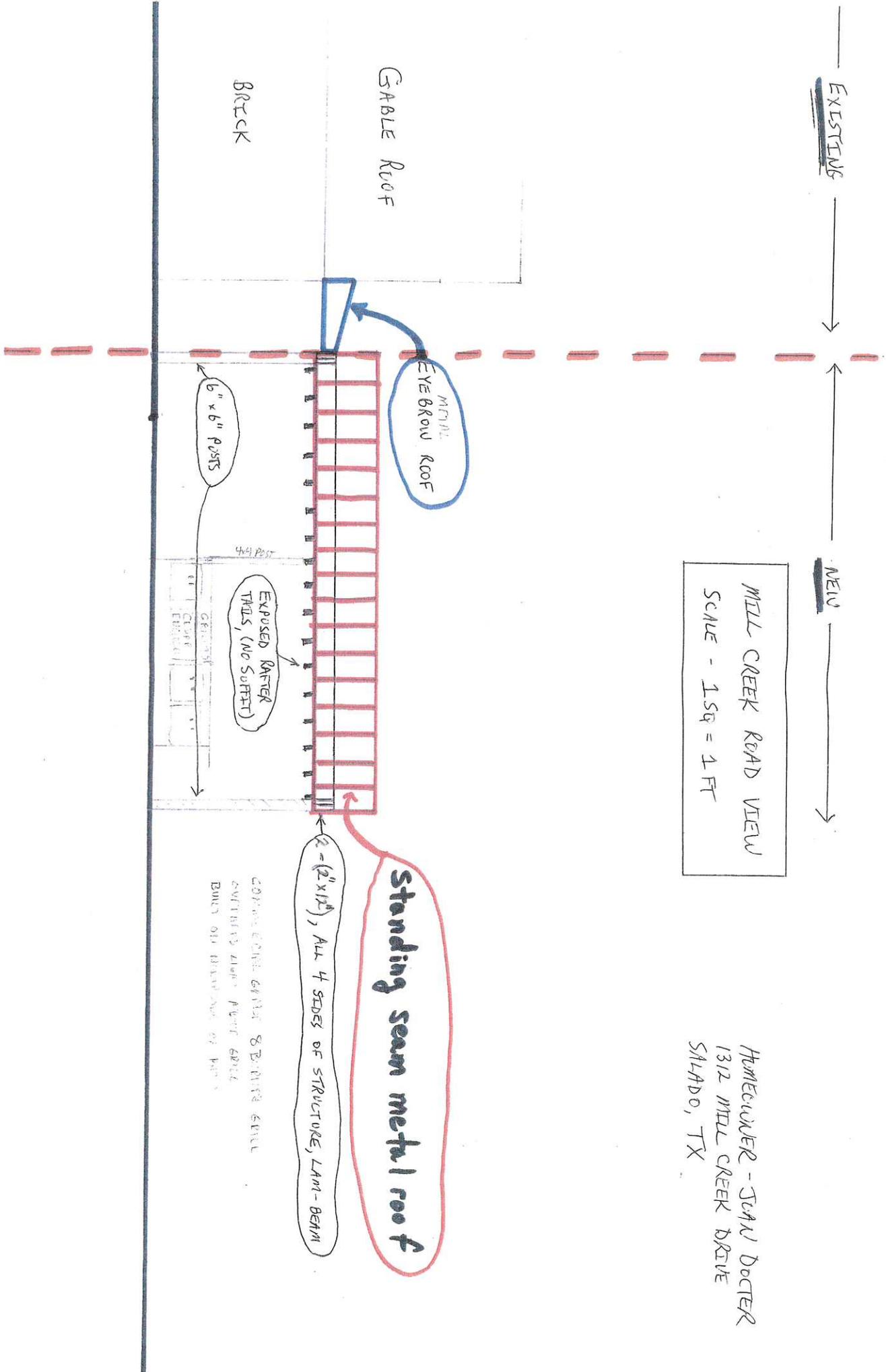
1312

EXISTING

NEW

MILL CREEK ROAD VIEW  
SCALE - 1.5" = 1 FT

HOMECROWDER - SCARV DOCTER  
1312 MILL CREEK DRIVE  
SALADO, TX



GABLE ROOF

BRICK

METAL  
EYEBROW ROOF

6" x 6" POSTS

EXPOSED RAFTER  
THUS, (NO SOFFIT)

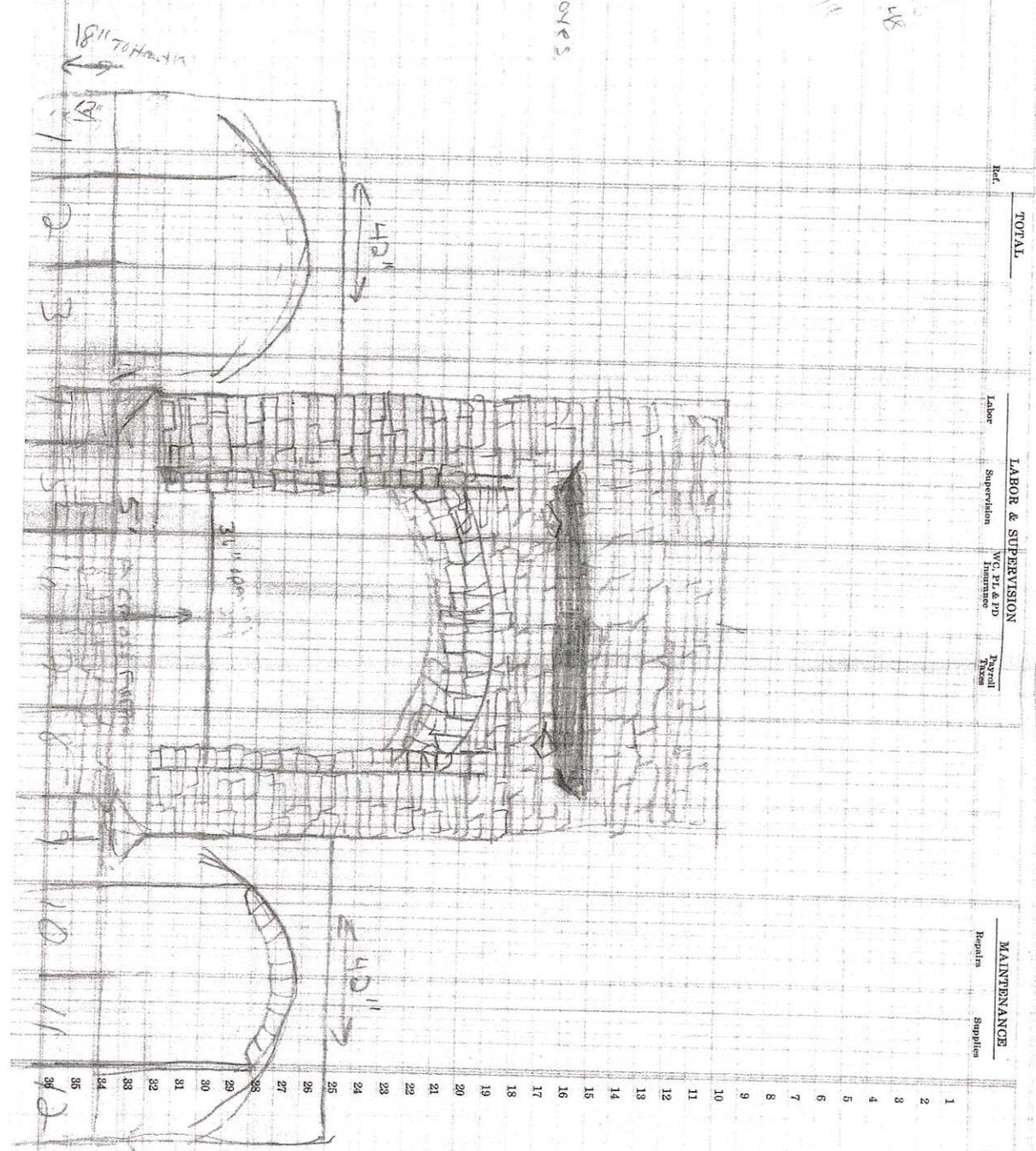
Standing seam metal roof  
2 - (2" x 12"), ALL 4 SIDES OF STRUCTURE, LAM-BEAM

CORROSION RESISTANT STAINLESS STEEL  
SUPPORTS AND PURLINS  
BUILT ON BEHAVIOR OF WALL

DATE

1-1-18  
B  
1-1-18

4" BONES



TOTAL

Ref.

LABOR & SUPERVISION  
Labor  
Supervision  
W.C. P. & P.D.  
Insurance

Payroll  
Taxes

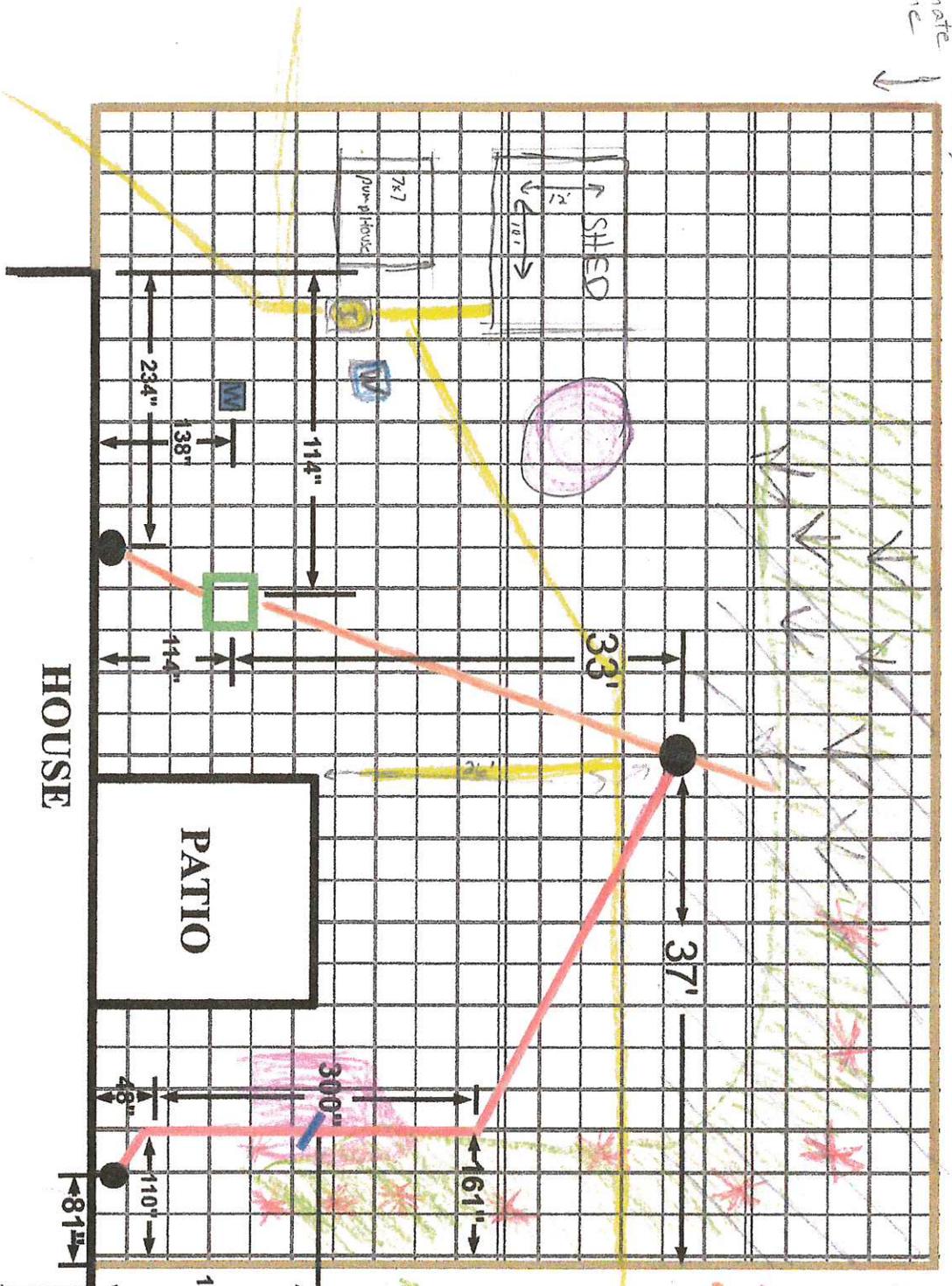
MAINTENANCE  
Repairs  
Supplies

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EACH GRID SQUARE = 3 SQUARE FEET  
 ORANGE LINE IS 4" SEPTIC LINE  
 RED LINE IS 1 1/2" SEPTIC LINE  
 SHORT BLUE LINE IS REPAIRED 1" WATER SUPPLY LINE - MAIN CITY WATER LINE

-  = WATER VALVES
-  = 1st SEPTIC TANK
-  = CLEAN OUTS

Represents  
 approximate  
 fence line



Leach Bed

GREY WATER LINE

SEPTIC LINE

LARGE ELM TREE

W WATER VALVE S

I IRRIGATION

LANDSCAPED

ROSE BUSHES

HERBS GARDEN

ORGANIC VEGGIE GARDEN

HOUSE

PATIO

SHED

7x7  
 Porch House

Location Map – 1312 Mill Creek Drive



## Christina Lee

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**From:** Joannie <fiddler656@gmail.com>  
**Sent:** Friday, June 26, 2015 10:50 AM  
**To:** Christina Lee  
**Subject:** Joannie Docter patio..corrections 4

To Whom It May Concern:

I am requesting that a special exception be made to the provision of Section 2.3 allowing me to resume nonconforming use of a previously-existing patio that has been destroyed and previously abandoned. After residing elsewhere, I returned to find that the patio and home had been wholly abandoned, partially or entirely destroyed, and much of the structural components and all landscaping removed, which caused remaining structures to deteriorate.

The abandoned/destroyed area previously included: flagstone, partially-covered patio with structural components including arbor with flowering vines, a pair of two-tiered, 9' wide, 40" deep benches with landscape boxes attached to the back side with evergreen bushes and other landscape plants, two very large wood boxes holding weeping cherry trees over 10' high, two 18' long x 38" tall wooden fences with four 4' 4" post, an 18" high x 22' long wooden box with plants in it. In front of the patio, street side, was a 22' long x 3' plus wide flagstone sidewalk.

Since 2007, this nonconforming area had been used for enjoyment and was much more than just a "simple" patio. The proposed 20x20 covered patio, in essence, rebuilds/replaces the destroyed and abandoned patio addition described above and allows for a structurally sound, esthetically pleasing patio while preserving my continuous property right of enjoyment and safety. This covered patio will provide a sound structure (verses the damaged and partially removed arbor) , providing protection and safety for the owner, guests and pets against UV rays, inclement weather, and falling limbs as a result of self-pruning by the enormous sycamore tree overhead.

I attest that the special circumstances of abandonment deprive me of reasonable use of the land, that the variance is necessary to the preservation and enjoyment of my substantial property rights, that such a variance is not detrimental to the public health, safety or welfare, nor injurious to other property in the area, and that it would in no way prevent the orderly use of other land within the area.

Thank you for your consideration.

Joannie Docter  
1312 Mill Creek Dr.  
Salado, TX 76571

Sent from my iPhone

Joannie Docter  
Cell 254.231.2251  
1312 Mill Creek Dr.

This document addresses the variation notice requirements as stated in the Feb 19<sup>th</sup> 2015 Ordinance amendment. However, before proceeding it should be noted that Hans Fields who was serving as the alderman for the City of Salado asked and found that a permit had not been filed for a covered patio structure that had just been started in May 2015 at 1312 Mill Creek Drive. Upon my personal conversation with Hans he stated that the structure being built was not in violation with Mill Creek Association, but the City of Salado guidelines may be different. In summary, granting the variation to allow for the existing patio to be a covered structure will fulfill the spirit of the Ordinance by ultimately resulting in a safer and esthetically improved property at no detriment to the surrounding community. In support of the above, it should be noted that the same patio area, within the last few months, contained structures that had deteriorated yet were 10 feet tall and 20 feet away from the public side road (De Grummond Way). By replacing the deteriorated structures with the covered patio structure (and added amenities) at basically the same distance as before to the public road will unquestionably improve the esthetic beauty of the property and also make it safer as detailed below. In addition, neighbors have been overwhelmingly supportive of the requested variance. Supporting pictures and plats are attached and referenced below in the application.

Reference:

Village of Salado, TX Last Amended by Ordiance 2015.04,  
Feb. 19, 2015

G. Variances:

2. Conditions Required for Variance (pg. 13, Zoning Ordiance 2013.18)

1) Yes, there are special circumstances or conditions that would deprive this applicant reasonable use of the land if denied as stated below:

- Safety. The property has several beautiful, Sycamore, self-pruning trees that present some hazardous risk. Yet they add to the value and beauty of the property. Within the past 24 months there have been 4 instances of dangerous branches falling off the trees on the property itself (in addition to an Elm tree just outside the north fence on city property that the applicant paid to remove from the city road (De Grummond Way), 2 of

the 4 instances damaging roofing on the property. One of those instances damaged the roofing on the shed structure and stopped the limb from falling below the roof line. This applicant was in the shed at the time and was undoubtedly saved from bodily harm due to the roof stopping the limb from falling further. Adding a covered metal roof to the patio area will significantly reduce (but not entirely eliminate) the risk of falling tree limbs causing bodily harm. There is one Sycamore that has limbs which certainly could fall within the patio area as has happened in the past. Note that the concrete pad running from De Grummond road and connecting to the patio area cannot be used for parking due to the danger from Sycamore tree limbs falling. A two car garage with concrete pad will be constructed per ordinance specifications on the west side of the property.

- Structure additions to patio existed since 2007.

The patio area has been used for enjoyment by the applicant since that time and yet it was more than just a simple patio.

The concrete, stone covered patio included structural components such as wood boxes holding ~ 10' trees, 38" high wood fencing, 3' wide by 10' high wood arbor on the road side of the patio (~20' from the road) with 9' wide, 2-tier bench seating on each side of the arbor. From 2007 until present the patio structures had deteriorated and needed to be repaired or replaced. The covered patio addition, in essence, replaces and improves upon the previous old structures. The old structures were recently removed in Apr / May 2015 with the intent of re-building with a more structurally sound, esthetically pleasing covered structure preserving the applicant's property right of enjoyment. **See attached photos** showing the structural components and the pre / post deterioration conditions.

- 2) Yes, the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant. See reasons as stated above in 1).
- 3) Yes, the granting of the variance WILL NOT be detrimental to the public health, safety or welfare, or injurious to other property within the area.
- 4) Yes, the granting of the variance WILL NOT have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Ordinance

3. Findings of Undue Hardship:

a.

1) Yes, the literal enforcement of the controls WILL create an unnecessary hardship or practical difficulty in the development of the affected property. In this case an unnecessary hardship will be realized since the patio has been used for enjoyment for 8 years with existing structural components and if denied could no longer be used for enjoyment with additional esthetically pleasing structures. In addition, and as stated above, a covered structure adds safety and subsequent enjoyment from worry of falling limbs which have been occurring at a historically high frequency on the applicant's property. Lastly and related to safety, the covered structure adds improved protection from sun radiation damage in which the applicant is light skinned and highly susceptible to skin damage / skin cancer risk.

2) Yes, the situation causing the hardship is neither self-imposed nor generally affecting any properties in the same zoning district. In support and as discussed below, other areas of the property cannot be used for placement of the covered patio:

Opposite Side Yard – This area is needed for future, new, septic system. (timeline unknown..original septic still working, but for how long) Also, a patio foundation would likely weaken or kill the extremely large oak tree in this area, I don't want to lose it. Any tree weakening would also increase the safety risk of limbs falling. Most importantly, this area is just not logically desirable, far away from the main home entrances and not in clear view.

Backyard – The patio would interfere with the main city water line, irrigation lines, and current septic system and related lines to leach bed. The patio would also interfere with the main traffic flow into the house structure. The front door is not the primary door used since there is no front driveway. Lastly, the prevailing southerly breeze is blocked by the house leaving the backyard area uncomfortably/extremely hot in the summer months.

Front Yard – Not applicable due to ordinance / conformity issues

345

Neighbors contacted within the required 200 yard distance from applicant's property have been overwhelmingly supportive of the requested variance.

- 3) Yes, the relief sought WILL NOT injure the permitted use of adjacent conforming property
- 4) Yes, the granting of a variance WILL BE in harmony with the spirit and harmony of the regulations. As mentioned, neighbors overwhelming support the variance and look forward to the esthetic improvement of the covered patio addition.

**Submittal Document Requirements as prescribed in Residential Building Permit Application:**

- The means of support for the structure to the concrete patio flooring will be anchoring by Simmons steel stirrups
- There will be no plumbing and minor electrical (outlets and ceiling fans)
- The patio roof will be standing seam to match existing home
- Location and distances from property structures , roads and lot lines provided in attached plats

# BOARD OF ALDERMEN/ZONING BOARD OF ADJUSTMENTS

## AGENDA ITEM MEMORANDUM

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07/02/2015  
Regular Agenda  
Item # 6  
Page 1 of 3

**APPLICANT:** Barrow Brewing Company

**CASE MANAGER:** Kim Foutz, Village Administrator

**ITEM DESCRIPTION:** PUBLIC HEARING – Hold a public hearing and consider a variances from Section 6.A (13) Prohibited Signs, Section 8.B (1) Area Limitations, and the Table of Standards for Permanent Signs: Maximum Height, of the Sign Ordinance for a commercial sign permit at 108 Royal Street.

**BACKGROUND:** The applicant is requesting to erect a sign on their building which would incorporate neon lights. In addition, the sign is approximately one hundred and seventy two (172) square feet which exceeds the maximum allowable sign of one hundred (100) square feet. \*\*note – The total square footage is measured by drawing a box around all four corners of the sign. Furthermore, the proposed sign will extend above the roof eave height of the structure.

This location is in the Village Historic District and as such, the project was taken to the Planning and Zoning Commission on June 9, 2015, at which time the P&Z Board approved the project for its appropriateness in the Historic District. P&Z sited no issues or concerns with the size, height, or white neon aspect of the sign as it related to the historic values of the Village.

*(Language taken directly from Ordinance)*

### *Section 6.A Prohibited Signs*

*(13) Flashing, Neon: Flashing signs and neon signs are prohibited, including CEVMS.*

### *Section 8.B Attached Signs*

*(1) Area Limitations: Attached signs for single tenant use may not exceed one (1) square foot of surface area for each linear foot of building frontage on a public street up to a maximum of one hundred (100) square feet.*

### *Table of Standards for Permanent Signs*

*Maximum Sign Structure Height – Top of parapet wall or roof eave height.*

**Section 2.3G – Variances:** The Zoning Board of Adjustments may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience, and welfare of the community.

In order for the Board to be in favor of this request, the Board must make affirmative findings of the specific conditions of the request in relation to all of the following (4) items.

<b>Conditions to be Met for Approval Section 2.3G1&amp;2</b>	<b>Staff Analysis</b>
1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and	Proposal does not meet this criteria.
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and	The variance is necessary for the branding of their business and is consistent with the marketing aesthetics of like businesses.
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and	A variance would not affect the public health, safety, or welfare of any person(s). It is up to the BOA to determine whether this structure is injurious to adjacent property.
4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.	A variance would not have the effect of preventing the orderly use of other land within the area.

Additionally, the Board must make written finding that an undue hardship exists, using the following four criteria:

<b>Conditions to be Met for Finding of Undue Hardship Section 2.3G3</b>	<b>Staff Analysis</b>
1. That the literal enforcement of the controls will create unnecessary hardship or practical difficulty in the development of the affected property; and	The variance is necessary for the branding of their business and is consistent with the marketing aesthetics of like businesses.
2. That the situation causing the hardship is neither self-imposed nor generally affecting all or most of the properties in the same zoning district; and	The situation is self-imposed.
3. That the relief sought will not injure the permitted use of adjacent conforming property; and	It does not injure adjacent conforming property.
4. That the granting of the variance will be in harmony with the spirit and purpose of these regulations.	As per BOA determination.

A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege of developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

**STAFF RECOMMENDATION:**

Staff mailed 15 notices to property owners within two hundred feet (200') of the variance site. As of 12:00 p.m. on June 26, 2015, 5 responses were received (all in favor). The newspaper printed notice of the public hearing on June 18, 2015, in accordance with state law and local ordinance.

**ATTACHMENTS:**

- Application
- Location map
- Rendering of existing building with proposed sign dimensions
- Picture of existing building with a picture of the sign placed where it would be located if approved



ZONING VARIANCE APPLICATION

Date: 9 June 2015

APPLICANT

PROPERTY OWNER

Name: KD Hill - Barrow Brewing Co.
Mailing Address: PO Box 430 Salado TX 76571
Daytime Phone: 903 407 5574
Fax: E-mail: info@barrowbrewing.com

PROPERTY DESCRIPTION

Street Address: 108 Royal Acres:
Location: (ie: corner of & ; or, 1 mile south of FM ; etc.)

Existing use of property: Microbrewery
Are there buildings on the property? Yes If yes, what are they used for. Microbrewery

REQUESTED VARIANCE

I/We request a variance to Section of the Zoning Ordinance which requires...
Section 16A(13) Flashing Common Neon Signs
8B(1) Area Limitations
Table of Standards: Maximum height

Instead, I/We would like to request...
approval for dimmable/adjustable neon sign, approval for 172 sq.ft sign, approval to extend above roof eave.
Due to... brand definition, aesthetic appeal - traditional + artistic aesthetic cohesive with building + district.
Size of sign is in scale with building's square footage.

Revised 04 2015

## SUBMITTAL REQUIREMENTS

- \_\_\_\_\_ \$250.00 Application Fee, due at time of application and payable to the Village of Salado.
- \_\_\_\_\_ Site plan with additional information needed to properly and effectively review the request.  
5 copies. (All drawings must be to scale.)

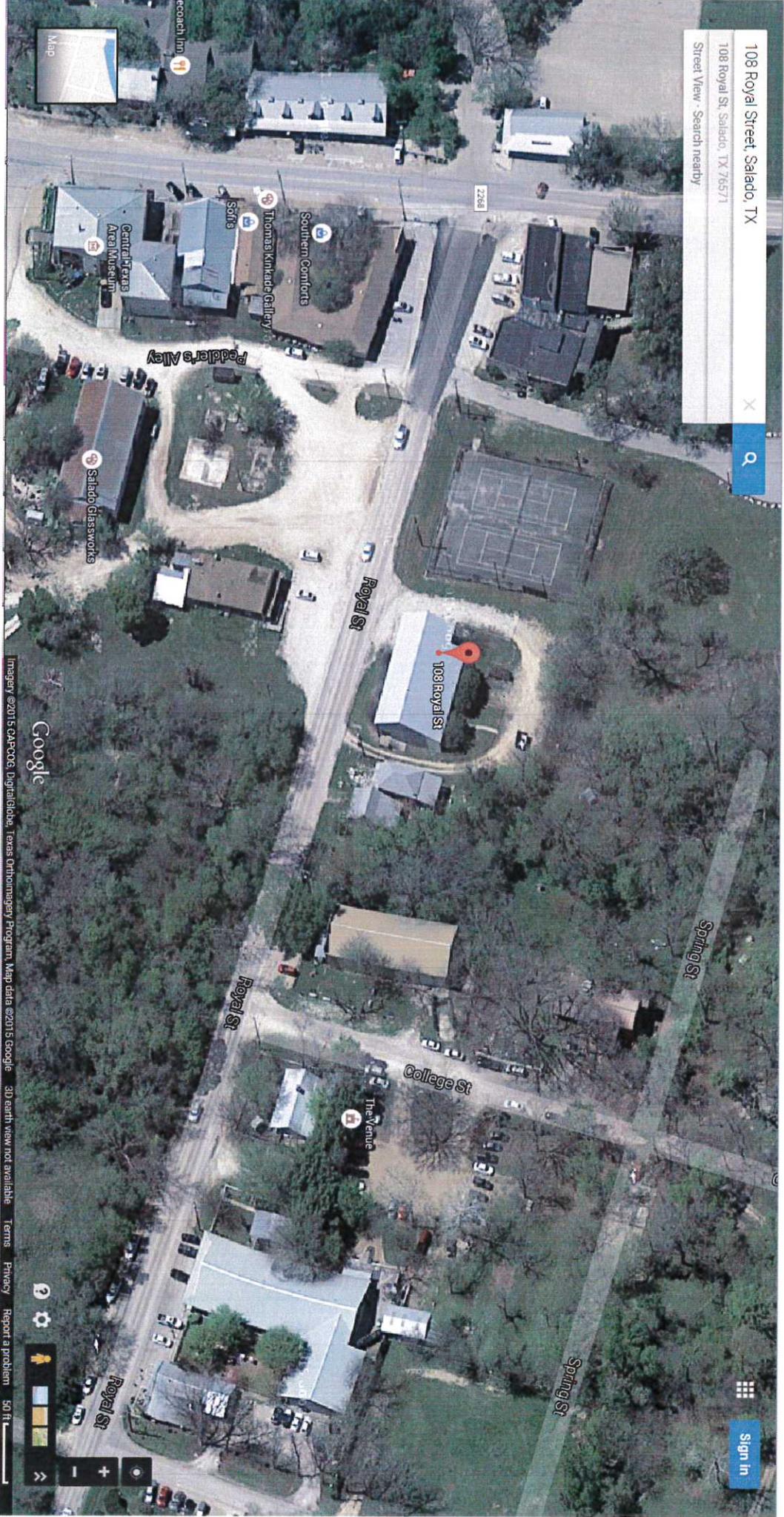
### PLEASE NOTE:

All agreements to the variance by neighbors of the property in question must be in writing to be submitted for support to the variance request.

No variance shall be granted unless the Zoning Board of Adjustments finds:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
- (4) That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.

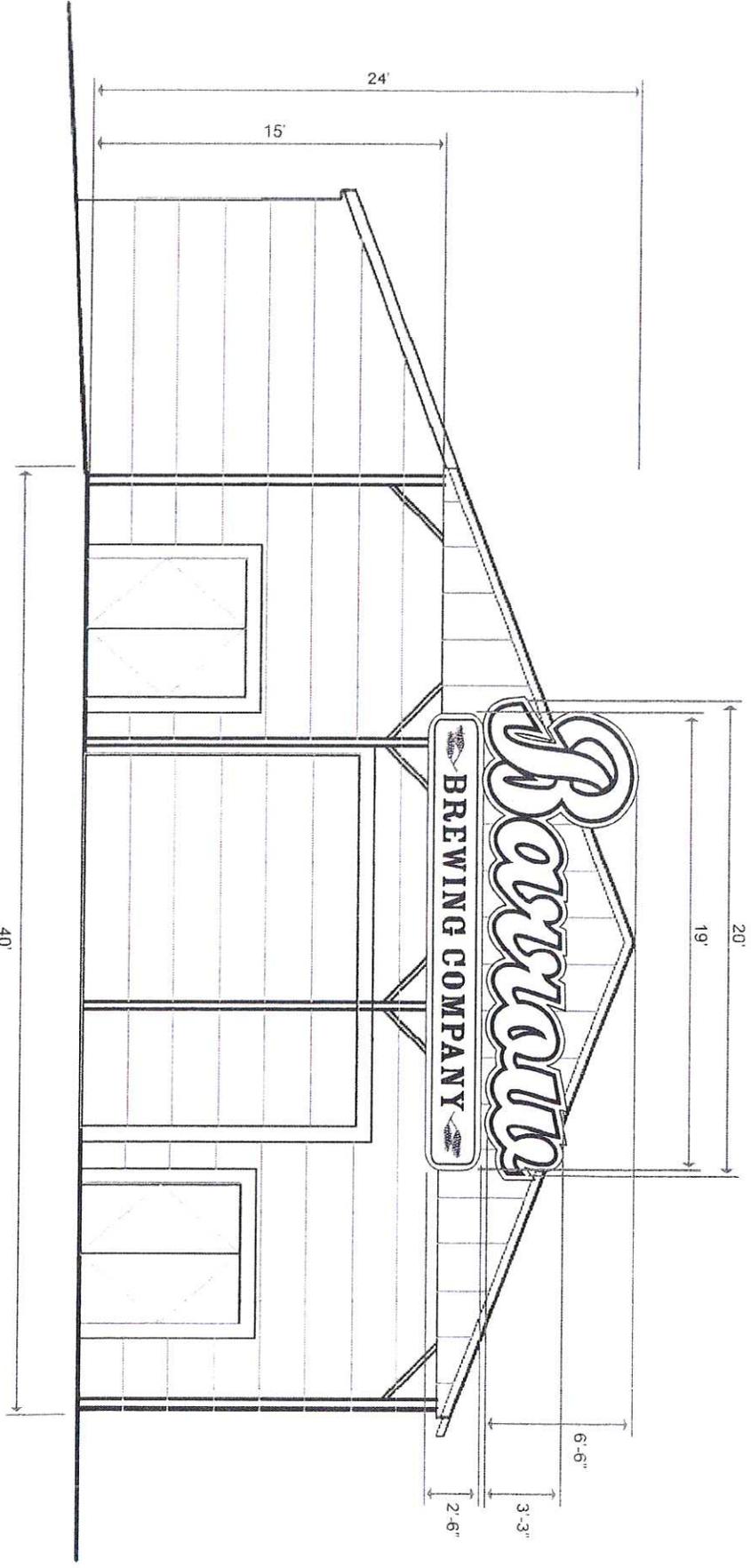
# Location Map – 108 Royal Street



914

Barrow Brewing Co. 05/15/2015  
Exterior Sign, Main Facade - west facing  
Ver 2.2 NTS : all dimensions approx.  
Contact: Frank Zepponi,  
frank@deluxecreative.com 512-659-6039

Distressed Tin



*Bassano*

BREWING COMPANY



# BOARD OF ALDERMAN

## AGENDA ITEM MEMORANDUM

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01/15/14  
Item #7  
Regular Agenda  
Page 1 of 1

**DEPT/DIVISION REVIEW:** Kim Foutz, Village Administrator

**ITEM DESCRIPTION:** Hold a public hearing and consider adopting an ordinance authorizing an amendment to Ordinance 2014.08.01 amending the budget for the Fiscal Year beginning October 1, 2014 and ending September 30, 2015 establishing a budget for the Wastewater Fund (Stagecoach Plant)

**STAFF RECOMMENDATION:** Staff recommends approval as presented.

**ITEM SUMMARY AND ANALYSIS:** In May of 2014, the Board of Aldermen accepted ownership of the Stagecoach wastewater plant located just off Main Street. On May 21, 2015 the Board of Aldermen approved a contract with Lawson Water and Wastewater Systems to perform operation and maintenance services. On June 1, 2015 the Village assumed operation and maintenance of the plant. In order to properly charge revenues and expenditures, a budget must be established by ordinance.

This budget was discussed in a previous Board of Aldermen workshop. It includes expenditures to date as well as prorated expenditures to complete this fiscal year. The total budget is:

\$2,750	Revenues
\$29,450	Expenditures
(\$26,700)	Net Income

**FISCAL IMPACT:** Please see attached.

**ATTACHMENTS:**

- Ordinance 2014.08.02 amending the budget
- Stagecoach wastewater plant proposed budget – Exhibit A to the ordinance

**Ordinance No. 2014.08.02**  
**Village of Salado**  
**County of Bell**  
**State of Texas**  
**July 2, 2015**

## **BUDGET ORDINANCE AMENDMENT**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS AMENDING ORDINANCE NO. 2014.08.01 THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR ALLOCATION OF FUNDS FROM FUND BALANCE FOR SPECIFIED PROJECTS; PROVIDING FOR ESTABLISHMENT OF ADDITIONAL FUNDS; REVISING THE CHART OF ACCOUNTS; FINDING MUNICIPAL PURPOSES; AUTHORIZING EXPENDITURES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, by Ordinance No. 2014.08, the Board of Aldermen of the Village of Salado, Texas, adopted its budget for FY 2014-2015; and

**WHEREAS**, by Ordinance No. 2014.08.01, the Board of Aldermen of the Village of Salado, Texas, amended the budget for FY 2014-2015; and

**WHEREAS**, the Board of Aldermen of the Village of Salado ("Board") seeks to amend and otherwise modify the City's budget for Fiscal Year 2015; and

**WHEREAS**, the Village has accepted ownership, and assumed operation and maintenance of a wastewater treatment plant midyear, affecting municipal operations, and thus necessitating modifications to the Village budget; and

**WHEREAS**, the Village budget for the 2015 Fiscal Year must be amended due to grave public necessity that would benefit the citizens of the Village; and

**WHEREAS**, the Board finds that the proposed Budget Amendment is for legitimate municipal purposes, and thus is statutorily authorized by Texas Local Government Code Section 102.010; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village, and is necessary or proper for carrying out a power granted by law to the Village; and

**WHEREAS**, pursuant to Texas Local Government Code Section 101.002, the Board may manage and control the finances of the municipality; and

**WHEREAS**, the Board finds that it is necessary and proper for the good government, peace or order of the Village to adopt an ordinance amending the current budget.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:**

**Section 1.**

The Board of Aldermen amends Ordinance No. 2014.08.01, the budget for Fiscal Year 2015 as set forth in **Exhibit A** attached hereto in the amount of \$29,450.00.

**Section 2.**

A true and correct copy of this ordinance showing the approved budget amendments shall be filed with the Village Secretary and in the office of the County Clerk of Bell County, Texas, as required by Section 102.009 of the Local Government Code. Further, the Village Secretary shall ensure that a true and correct copy of the approved budget amendments is posted on the Village's website.

**Section 3.**

In the event that any clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the Board of Aldermen of the Village of Salado, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be unconstitutional, whether there be one or more parts.

**Section 4.**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**Section 5.**

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED** this, the 2nd day of July 2015, by a \_\_\_ (ayes) to \_\_\_ (nays) and \_\_\_ (abstentions) vote of the Board of Aldermen of Salado, Texas.

**THE VILLAGE OF SALADO, TEXAS:**

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Mayor Skip Blancett

ATTEST:

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Mary Ann Ray, Village Secretary

**Village of Salado - 600 Sewer Fund**  
**Profit & Loss Budget Performance**  
 October 2014 through June 2015

	Annual Budget
Ordinary Income/Expense	
Income	
4000 · Sewer Service	2,750.00
Total Income	2,750.00
Expense	
5209 · Cell Phone	0.00
5210 · Printing Expense	100.00
5213 · Equipment - Leased/Rented	0.00
5214 · Utilities	
5214-1 · Electric Utilities	1,500.00
5214-3 · Water/Sewer/Garbage	0.00
Total 5214 · Utilities	1,500.00
5216 · Professional Fees1	
5216-2 · Profess Fees - Engineering	1,225.00
5216-3 · Profess Fees - Auditor	500.00
5216-4 · Profess Fees - Inspections	350.00
5216-5 · Profess Fees - Legal	600.00
Total 5216 · Professional Fees1	2,675.00
5250 · Emergency Operations	500.00
5283 · Contract Labor	5,000.00
5286 · Start Up	1,000.00
5314 · Auto Exp. - Fuel & Lubricants	50.00
5316 · Office Supplies	25.00
5318 · Postage	50.00
5321 · Building Supplies	0.00
5322 · Testing	3,350.00
5323 · Sludge Testing	1,600.00
5324 · Sludge Disposal	2,950.00
5328 · Equipment - R & M	1,000.00
5402 · Advertising	50.00
5415 · Public Notices	150.00
5416 · Insurance	1,200.00
5436 · Training & Travel	500.00
5455 · Permits	1,250.00
5600 · Capital Outlay	
5601 · Equipment	500.00
5602 · Land	6,000.00
Total 5600 · Capital Outlay	6,500.00
Total Expense	29,450.00
Net Ordinary Income	-26,700.00
Net Income	-26,700.00

# BOARD OF ALDERMAN

## AGENDA ITEM MEMORANDUM

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07/02/15  
Item #8  
Consent Agenda  
Page 1 of 1

**DEPT/DIVISION REVIEW:** Kim Foutz, Village Administrator

**ITEM DESCRIPTION:** Hold a public hearing and consider adopting an ordinance authorizing amendment to Ordinance 2014-09A, amending the rules of procedure for Board of Aldermen meetings, changing the start time for regular meetings to 6:30 p.m.; establishing the second and fourth Thursdays as workshop meetings dates with a meeting time of 6:00 p.m.; amending the deadlines for submitting requests for items to be included on the agenda; and amending the timeframe for submitting a public meeting appearance card.

**STAFF RECOMMENDATION:** Staff recommends approval.

**ITEM SUMMARY AND ANALYSIS:** This amendment will bring the following changes:

- The Board of Aldermen have been meeting at 6:30 p.m. in conflict with the existing ordinance. This brings the meeting time into compliance.
- The Board of Alderman wish to extract workshops from the regular meeting to shorten meeting length. This amendment allows the Board to establish regularly scheduled workshops on the second and fourth Thursdays.
- Current ordinance requires members of the Board of Aldermen to submit an item for the agenda 3 ½ business days in advance of the day of the meeting. This timeframe is not enough time for proper posting nor adequate for staff to prepare background information. The amendment requires 7 business days, which will enable staff to do appropriate research and prepare background and allow for posting within the law. During the initial workshop staff held with the BOA in October 2014, the timeframe was agreed upon.
- Current ordinance allows citizens to submit written requests to the Mayor for items to be included on the agenda 4 business days prior to the meeting. As above, this timeframe does not allow staff adequate time for research and preparation. The amendment requires citizens to submit in writing to the Mayor 10 business days in advance of the meeting. The item can then be included on the agenda at the Mayor's discretion.
- Current ordinance allows citizens to declare while the meeting is open that they wish to address the Board of Aldermen. This amendment requires a citizen who desires to address the Board of Aldermen to complete the Public Meeting Appearance Card and give it to the Village Secretary prior to the start of the meeting. At his discretion, the Mayor may allow a citizen to address the Board and turn the Appearance Card in at the end of the meeting.

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

- Proposed ordinance with redlined changes

Ordinance No. 2014.09A.01  
Village of Salado County of Bell  
State of Texas, July 2, 2015

## **Rules of Procedure for Board of Aldermen Meetings**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS AMENDING ORDINANCE NO. 2009.09A ESTABLISHING POLICIES AND PROCEDURES FOR BOARD OF ALDERMEN MEETINGS, INCLUDING PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; PURPOSE; DEFINITIONS; GENERAL RULES OF PROCEDURE AT MEETINGS; DISRUPTIVE OR DISORDERLY CONDUCT; INDIVIDUALS WITH DISABILITIES; RECORDING OF MEETINGS; ENFORCEMENT; RELATION TO OTHER ORDINANCES; SEVERABILITY; PROPER NOTICE AND MEETING**

**WHEREAS**, the Board of Aldermen of the Village of Salado seeks to provide for the efficient administration of Village business; and

**WHEREAS**, the Board of Aldermen seeks to maintain order and decorum at Board of Aldermen Meetings; and

**WHEREAS**, the Board of Aldermen finds that the promulgation of procedural rules for Board meetings furthers the effective and efficient administration of Village business and encourage orderly public participation in the democratic process; and

**WHEREAS**, the Board of Aldermen finds that disorderly or disruptive behavior during the course of its meetings unreasonably interferes with the conduct of Village business; creates confusion and dismay among meeting participants, observers, and the general public; and stifles public comment and participation in the democratic process; and discourages the majority of meeting attendees who conduct themselves appropriately; and

**WHEREAS**, the Board of Aldermen finds that the unreasonably obtrusive use of a tape recorder, video camera, or other means of aural or video reproduction may disrupt the effective and efficient administration of Board of Aldermen meetings; may cause undue anxiety to those persons in attendance; and may discourage public participation in the democratic process; thus making it necessary to adopt reasonable rules relating to the location of recording equipment and the manner in which the recording is conducted; and

**WHEREAS**, the Board of Aldermen finds it to be in the best interest of the public safety, health and general welfare to adopt reasonable rules and regulations to maintain order and to regulate conduct at its meetings; and

**WHEREAS**, the Board of Aldermen is authorized to adopt such rules and regulations by virtue of section 22.038 of the Texas Local Government Code and by section 551.023 of the Texas Government Code; and

**WHEREAS**, the Board of Aldermen has carefully reviewed the rules and regulations established by this Ordinance; and

**WHEREAS**, the Board of Aldermen has received public input by and through a public meeting at which the ordinance was adopted; and

**WHEREAS**, the Board of Alderman previously enacted Ordinance No. ~~2009~~2014.09A on ~~October 1, 2009~~December 11, 2014; and

**WHEREAS**, the Board of Alderman deems it in the best interest of the Village of Salado to amend Ordinance No. 2009.09A in its entirety and for said Ordinance to be replaced in its entirety as follows:

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, COUNTY OF BELL, STATE OF TEXAS:**

**SECTION 1.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**SECTION 2.** Ordinance No. ~~2009~~2014.09A is amended in its entirety and shall read as provided in Attachment "A" attached hereto and incorporated herein as if fully set forth for all purposes.

**SECTION 3.** That this Ordinance shall become effective after its passage.

**SECTION 4.** This Ordinance, upon its enactment and effective date, shall repeal all conflicting provisions that may be contained in other Village ordinances or regulations. Except to the extent they apply to obligations and violations arising prior to the enactment of this Ordinance.

**SECTION 5.** All rights and remedies of the Village are expressly saved as to any and all violations of the provisions of any previous ordinances which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 6.** In the event that any one or more of the provisions, clauses, or words of this ordinance or the application thereof to any situation or circumstance shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provisions, clauses, or words of this ordinance or the application thereof to any other situations or circumstance and it is intended that this ordinance shall be severable and that it shall be construed and applied as if such invalid or unconstitutional clause, section, provision, or word had not been included herein.

**SECTION 7.** That the meeting at which this Ordinance was enacted, was open to the public as required by the Texas Open Meetings Act, and that notice of the time, place, and subject matter of the meeting was given as required by the Texas Open Meetings Act.

PASSED AND APPROVED this, the ~~11th~~ 2nd day of ~~December 2014~~ July 2015, by a 5 (ayes) to 0 (nays) and 0 (abstentions) vote of the Board of Aldermen of Salado, Texas.

VILLAGE OF SALADO:

\_\_\_\_\_  
Skip Blancett, Mayor

ATTEST:

\_\_\_\_\_  
Mary Ann Ray, Village Secretary

## **SECTION 1. FINDINGS OF FACT**

The Board hereby finds all of the above premises to be true and correct legislative and factual findings of the Village of Salado, and, so finding, the Board hereby incorporates them into the body of this Ordinance as if copied in their entirety.

## **SECTION 2. PURPOSE**

This Ordinance is adopted so that the Board of Aldermen may promote the public health, safety, morals and general welfare within the Village through the enactment of reasonable procedures and rules designed to facilitate the orderly and efficient conduct of Board of Aldermen meetings in a manner that promotes a positive Village image reflecting order, harmony and pride, thereby strengthening the economic stability of the Village. By and through this Ordinance, the Board of Aldermen additionally seeks to establish fair, reasonable, and efficient guidelines for maintaining order and promoting effective public participation at Board of Aldermen meetings.

## **SECTION 3. DEFINITIONS**

### **A. General**

Words and phrases used in this Ordinance shall have the meanings set forth in this Section. Words and phrases that are not defined in this Ordinance but are defined in other ordinances of the Village of Salado shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

### **B. Specific Definitions**

(1) "Board" means the Board of Aldermen (i.e., the governing body) of the Village of Salado, Texas.

(2) "Board of Aldermen meeting" means any public meeting held by the Board of Aldermen of the Village of Salado as authorized or required by the Texas Constitution and applicable state law.

(3) "Board Room" means the meeting space designated for Board of Aldermen meetings located in Village Hall at 301 North Stagecoach Road, Salado, Texas 76571.

(4) "Closed Meeting" means a meeting to which the public does not have access (i.e., executive session).

(5) "Conduct" means an act or omission and its accompanying mental state.

(6) “Deliberation” means a verbal exchange during a meeting by a quorum of the Board of Aldermen, or between a quorum of the Board of Aldermen and another person, concerning a public issue within the jurisdiction of the Board of Aldermen.

(7) “Designated recording area” means that area of the Board Room clearly marked as a space for all persons wishing to operate tape recorders, video cameras, or other means of aural or visual reproduction, within which such persons may operate such electronic recording devices during Board of Aldermen meetings.

(8) “Electronically record” means to capture aural or visual sounds and/or images through the use of a tape recorder, video camera, or other means of aural or visual reproduction.

(9) “Intentional” means the culpable mental state of “intent” as defined by Section 6.03 of the Texas Penal Code. A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.

(10) “Meeting” means any official proceeding of the Board. This term includes, but is not limited to, all Regular, Special (i.e., “called”), Emergency and Executive Session (i.e., “closed”) Meetings.

(11) “Misdemeanor” means an offense so designated by law or punishable by fine, by confinement in jail, or by both fine and confinement in jail.

(12) “Official proceeding” means any type of administrative, executive, legislative or judicial proceeding that may be conducted before a public servant.

(13) “Official tape recording” means any audio recording made by the Village Secretary or other village official or employee at the direction of the Board of Aldermen and as part of that village official’s or employee’s official duties.

(14) “Open” means the public is allowed to attend.

(15) “Person” means a human individual.

(16) “Public servant” means a person elected, selected, appointed, employed or otherwise designated as one of the following, even if that person has not yet qualified for office or assumed his or her duties:

- (a) An officer, employee, or agent of the Village;
- (b) An attorney at law or notary public when participating in the performance of a governmental function;
- (c) A candidate for nomination or election to public office; or
- (d) A person who is performing a public function under a claim of right although he or she is not legally qualified to do so

(17) "Quorum" means a majority of the Board of Aldermen for regular meetings, and two-thirds of the aldermen for special meetings and meetings to consider the imposition of taxes.

(18) "Recklessly" means the culpable mental state of "recklessness" as defined by Section 6.03 of the Texas Penal Code. A person acts recklessly, or is reckless, with respect to the circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(19) "Unlawful" means criminal or tortious or both and includes what would be criminal or tortious but for a defense not amounting to justification or privilege.

(20) "Use of a tape recorder, video camera, or other means of aural or visual reproduction" means the use of any device used to capture and record and/or transmit and replay sounds and/or images. This term includes, but is not limited to, tape recorders, video cameras, digital cameras, web cameras, and live video streaming devices.

(21) "Village" means the Village of Salado, a duly incorporated, Type B Texas municipality located in Bell County.

#### **SECTION 4. GENERAL RULES OF PROCEDURE AT MEETINGS**

##### **A. Time and Place for Meetings**

(1) The Board of Aldermen shall hold regular meetings on the first and third Thursdays of each month at 6:~~00~~30 p.m.

~~(1)(2)~~ The Board of Aldermen may hold workshop meetings on the second and fourth Thursdays of each month at 6:00 p.m. as needed.

~~(2)(3)~~ When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for such day shall be cancelled unless otherwise specified by the Board of Aldermen. At other times that the Mayor deems appropriate, the Mayor may cancel one or more regular meetings.

~~(3)(4)~~ The Mayor may call a special meeting on the Mayor's own motion or on the application of three Board members. Each member of the Board of Aldermen, the Village Secretary, and the Village Attorney must be notified of the special meeting.

~~(4)(5)~~ Except as otherwise provided in this paragraph, the Board of Aldermen shall conduct all meetings in the Board Room, located at 301 North Stagecoach Road, Salado, Texas. However, the Board of Aldermen may from time to time elect to meet at other locations and, upon such election, shall give public notice of the change of location in accordance with State law. If by reason of fire, flood or other emergency, it is unsafe to meet in the Board Room, for the duration of the emergency the Board may hold its meetings at such other place as the Mayor, or, in the Mayor's absence, the Mayor Pro Tem, shall designate.

~~(5)(6)~~ Meetings may be cancelled or recessed to the next business day with or without notice by the Mayor, a majority of the Board, or a majority of the members of the Board in attendance at the meeting.

## **B. Agenda of Meetings**

(1) The Village shall comply with all notice requirements of the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

(2) The Mayor and/or the Village Secretary shall be responsible for preparing the agenda for Board meetings. The Mayor may determine which items to include in the agenda, provided that, the Mayor shall include any item requested by a Board Member. Board Members shall submit requests to the Mayor and/or the Village Secretary at least 7 ~~three and a half (3 1/2)~~ business days in advance of the day of the meeting.

(3) A citizen may request inclusion on the agenda by submitting a request in writing to the Mayor at least ~~four (4)~~ 7 business days in advance of the day of the meeting. The requested item may be included on the agenda at the Mayor's discretion.

(4) Upon the motion of the Mayor or any Board Member, the Board of Aldermen may elect to table an agenda item by an affirmative vote by a majority of Board Members present at the meeting.

(5) In compliance with the Texas Open Meetings Act, the Board shall not deliberate or vote on a matter not appearing on the agenda, except for purposes of presenting statements of current fact or policy or for determining whether the matter should appear on a future agenda.

## **C. Ordinances in General**

(1) The Village shall be responsible for adopting or amending any ordinance necessary for the health, safety and welfare of its citizens, including but not limited to: any code of technical regulation; the establishment, alteration, or abolishment of any Village department(s), office(s), or agency(ies); provide for a fine or other penalty or establish a rule of regulation for violation of which a fine or other penalty is imposed; levy taxes; adopt or amend the annual budget; grant, renew, or extend a franchise; convey or lease or authorize the conveyance or lease of any lands of the Village; and amend or repair any ordinance previously adopted as provided by the Texas Local Government Code.

(2) Every proposed ordinance shall be introduced in writing and be in the form required for final adoption. Every proposed ordinance shall be placed on the Agenda of Meetings for the Village in compliance with the requirements of the Texas Open Meetings Act and contain the required publication pertinent to the type of ordinance proposed.

(3) An ordinance may be introduced by any member of the Board of Aldermen at any regular or special meeting of the Aldermen, provided it has been properly placed as an agenda item.

(4) The Alderman responsible for placement of the ordinance on the agenda, or having knowledge and information related to the ordinance, shall present the ordinance and address questions from other Aldermen and the public, if necessary, regarding the proposed ordinance.

(4)(5)

(5) The ordinance shall be finally passed and adopted after the ordinance has been read at least one (1) time at any regular or special meeting of the Board of Aldermen, except for those instances in which additional readings are required by Law.

(6) Upon passage and adoption of an ordinance as provided by this subsection, the Village Secretary shall take necessary steps to finalize the implementation of the ordinance, as required by law.

#### **D. Public Participation**

(1) In accordance with the terms of the Texas Open Meetings Act, Section 551 of the Texas Government Code, all meetings of the Board of Aldermen shall be open to the public unless the Board is in Executive Session or State law otherwise allows a meeting to be closed.

(2) At the Board of Aldermen's discretion, the Board may permit a person to address the Board concerning an item on the agenda or to present a subject for the Board's consideration during the Public Comment period in accordance with the provisions of this Ordinance.

(3) Persons wishing to make public comments shall abide by the following rules:

- (a) Prior to the meeting, ~~or during the meeting prior to discussion of a specific matter upon which a person wishes to comment,~~ speakers who wish to address the Board of Aldermen should complete a Public Meeting Appearance Card and present it to the Village Secretary. Speakers shall indicate whether they wish to comment on a specific agenda item or on a separate matter during the Public Comment period. At his discretion, the Mayor may allow a citizen to address the Board and turn the Appearance Card in at the end of the meeting.
- (b) When recognized, the speaker should approach the podium, state his/her name and address for the record, and, if speaking on behalf of an organization or other group, identify the group represented.
- (c) Only one person may address the Board at any one time.
- (d) Speakers should address all remarks to the Board of Aldermen as a whole, not to individual members.
- (e) Speakers should limit their presentations to no more than three (3) minutes each. There shall be no substitutions or pooling of speakers.
- (f) The Mayor or the Board may encourage speakers to not merely repeat views expressed by others.
- (g) Speakers must limit presentations to matters within the Village's subject matter jurisdiction.

(4) At any point during the meeting, the Board of Aldermen may opt to limit the number of speakers on a particular topic or topics not yet reached. All persons who complete a Public Meeting Appearance Card, whether or not allowed to speak, may submit written comments or exhibits to the Village Secretary for inclusion in the Record File Copy of the agenda.

#### **E. Parliamentary Procedure**

The Board may by resolution adopt rules of parliamentary procedure.

**F. Presiding Officer**

The Presiding Officer of the Council is responsible for conducting the meeting. When present and participating, the Mayor shall serve as presiding officer. When the Mayor is not present or if the mayor abstains from participation on a matter, the Mayor Pro-Tem shall serve as the presiding officer. If neither the Mayor nor the Mayor Pro-Tem are able to serve, the remaining Board Members may by majority vote designate a Member of the Board to preside over the meeting.

**SECTION 5. DISRUPTIVE OR DISORDERLY CONDUCT**

**A. Hindering Proceedings by Disorderly Conduct**

(1) No person shall intentionally hinder an official proceeding by noise or violent or tumultuous behavior or disturbance.

(2) No person shall recklessly hinder an official proceeding by noise or violent or tumultuous behavior or disturbance and continue after explicit official request to desist.

**B. Disrupting a Meeting**

No person shall prevent or disrupt a meeting, or obstruct or interfere with the meeting by physical action or verbal utterance.

**C. Aldermen Attendance**

Three consecutive absences from regular meetings (unless sick or received an excused absence from the Mayor in advance) will cause an automatic vacation of position on the Board of Aldermen.

**SECTION 6. RECORDING OF MEETINGS**

**A. Location of Recording Equipment.**

(1) The Board shall designate an area within the Board Room for the operation of tape recorders, video cameras, and other means of aural or visual reproduction. Operation of such equipment is limited to the designated recording area.

(2) The designated recording area shall be indicated by means reasonably calculated to provide sufficient space for all persons wishing to operate a tape recorder, video camera, or other means of aural or visual reproduction to occupy the designated recording area with reasonable comfort and sufficiently near to the proceedings to facilitate adequate recording.

(3) No person shall operate a tape recorder, video camera, or other means of aural or visual reproduction within the Board Room outside of the designated recording area.

(4) The provisions of this Section do not apply to the creation of an official tape recording of a Board of Aldermen meeting by a duly authorized Village official. Nor do these provisions apply to duly authorized closed (*i.e.*, "executive") sessions.

**B. Recording of Individuals Outside of the Board Meeting**

(1) Members of the news media and other interested persons may request personal

interviews to be scheduled with Village officials by calling (254) 947-5060.

(2) As members of the governing body, the Mayor and members of the Board of Aldermen are the official spokespersons for the Village. The Board of Aldermen may, at its discretion, appoint other individuals to represent and communicate the interests of the Village to the media and public at-large.

## **SECTION 7. INDIVIDUALS WITH DISABILITIES**

The Village of Salado seeks to ensure effective communication with members of the public who attend and participate in Board of Aldermen meetings. An individual who requires auxiliary aids and services or other accommodation should contact the Mayor with a request for such services. The Village encourages such individuals to submit requests at least forty-eight (48) hours in advance of a meeting so that the Village may effectively address the individuals' requests.

## **SECTION 8. ENFORCEMENT**

### **A. Civil and Criminal Penalties**

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

### **B. Criminal Prosecution**

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each instance that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

### **C. Civil Remedies**

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to, the following:

(1) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and

(2) A civil penalty up to one hundred dollars (\$100.00) when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and

(3) Other available relief.

### **D. Authority of Presiding Officer**

The Presiding Officer is hereby granted the authority to order any person removed from the meeting, or to take any appropriate legal action against any person who violates any provision of this Ordinance.

## **SECTION 9. RELATION TO OTHER ORDINANCES**

This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance. This Ordinance is specifically subordinate to any ordinance or regulations of the Village pertaining to building and construction safety or to pedestrian and traffic safety. Nothing in this Ordinance shall be construed to impose a duty not required by the Open Meetings Act or to relieve the Village of complying with the Open Meetings Act.

#### **SECTION 10. SEVERABILITY**

It is hereby declared to be the intention of the Board of Aldermen that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

DRAFT  
PUBLIC SAFETY COMMITTEE POLICE DEPARTMENT ASSESSMENT METHODOLOGY

The overall goal of this project is to develop a process whereby an objective evaluation of the ideas, issues, and needs, as well as the future of the agency and leadership of the Salado Police Department can be achieved. The time frame for the process will be a period of weeks starting June 2015. Importantly, the process is to purposely involve all members of the police organization as well as Village of Salado officials, such as the Village Administrator, Mayor, and City Alderman. This is done in an effort to garner the thoughts and ideas of the most people possible in the Department, elected officials, as well as City administration. The information developed through this process is thought to be potentially helpful to the leadership team of the Police Department as well as organization members and officials that will lead the Village into the future.

With these thoughts in mind, the process developed has these methodological features:

1. Gather Supporting Resources
  - a. TITLE 37 TEXAS ADMINISTRATIVE CODE CHAPTERS 211-2291
  - b. CHAPTER 1701 TEXAS OCCUPATIONS CODE
  - c. Commission on Accreditation for Law Enforcement Agencies
    - i. Statutes and Rules Handbook
    - ii. Chief Administrator Desk Reference
  - d. Village General Orders and Standard Operating Procedures
  - e. Village Budget
  - f. Village Personnel Manual
2. A formal TCOLE Audit based on the Texas Commission on Law Enforcement, Title 37 Texas Administrative Code, and Chapter 1701 Texas Occupational Code, conducted by a TCOLE Field Service Agent will be requested. This TCOLE Audit requires 30 to 45 days of advanced planning to schedule.
3. Prior to the formal TCOLE Audit, a preliminary Audit based on the Texas Commission on Law Enforcement, Title 37 Texas Administrative Code, and Chapter 1701 Texas Occupational Code will be conducted. A checklist will be developed and a copy provided to the Police Chief at least 24 hours prior to the assessment time. This will facilitate identification of possible deficient areas and allow ample time for corrective measures prior to the formal audit.
4. A review of the Police Department General Orders and Standard Operating Procedures will be conducted.
5. A review of any other Police Department administrative processes not specifically outlined above.
6. The Police Department will be asked to make all people in the organization available to speak to interviewers. It will include all officers from the ranks and "level" of the Department, in this case, the Chief of Police and police officers.

DRAFT  
PUBLIC SAFETY COMMITTEE POLICE DEPARTMENT ASSESSMENT METHODOLOGY

7. For consistency purposes, and to obtain the most information possible, interviewers will speak to police officers, and in some cases, follow up interviews may be conducted. Meetings will be informal in nature, but confidential notes will be kept by the interviewers.
8. The conversations will be completely confidential in terms of the use of names of individuals. This will be done to provide an environment for frank and candid discussions, and the freedom to speak freely to the issues. Quotes in reports will not be attributed by name to any individual.
9. Interviewers will have deep policing and organizational experience.
10. For purposes of facilitating conversation, and for purposes of consistency in data, interview questions will be established for each group and asked consistently to each person. The questions will be created by the interviewers based on the perceived and assigned task at hand, as well as the need to review the collected data in a formatted fashion. The questions will provide for any additional thoughts of the interviewees, as well as the freedom to explore attendant issues. This will support the exploration of people's ideas, and the exploration of the concerns, issues, and needs of the people in the organization and community.
11. Copious notes will be taken during each interview with the knowledge and permission of the person being interviewed. The notes will include a written record of each question, and topic area.
12. The interviewers will then meet personally together, review the data collected from the members of the organization and discuss major points and recurrent ideas, issues, and needs.
13. The results of the interviews and supplemental data will be arranged into major themes, and patterns.
14. The Initial and follow on assessments plus the themes and patterns will be the data to become the foundation for the ideas, thoughts, and recommendations for a final report.
15. The Final Report will be presented to the Village Administrator.

This Assessment Methodology is intended to act as a guideline and not to be construed as hard and fast restrictions on the assessment staff. Variations are authorized that would best facilitate completion of the assessment and be in the best interest of the Village.

# BOARD OF ALDERMAN

## AGENDA ITEM MEMORANDUM

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07/0215  
Item #10  
Workshop Agenda  
Page 1 of 1

**DEPT/DIVISION REVIEW:** Kim Foutz, Village Administrator

**ITEM DESCRIPTION:** Presentation, discussion, and possible action on Resolution R-2015-118 designating the FM 2484 bridge over Interstate Highway 35 as the “Clark Davis Memorial Bridge”.

**STAFF RECOMMENDATION:** This agenda item was submitted by Alderman Dankert.

**ITEM SUMMARY AND ANALYSIS:** At the June 18, 2015 regular Board of Aldermen meeting, the board discussed the possibility of naming the FM 2484 bridge, damaged earlier this spring, after the gentleman who lost his life, Clark Davis. At that meeting, the BOA voted to postpone this item and bring to a future workshop.

At a previous meeting, Alderman Dankert reported that she had spoken with TXDOT officials and found that in order to accomplish this, the Village would be required to pass a resolution, and purchase and install the sign through TXDOT. In addition, it was noted that TXDOT allows for a naming ceremony at the bridge and that the family of the deceased could attend.

**FISCAL IMPACT:** Alderman Dankert reported that Mr. Davis’ employer has offered to pay costs for the sign.

**ATTACHMENTS:**

- Resolution

**RESOLUTION NO. R-2015-118**

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS, DESIGNATING THE F.M. 2484 BRIDGE OF INTERSTATE HIGHWAY 35 AS CLARK DAVIS MEMORIAL BRIDGE.**

**WHEREAS**, a major accident that occurred March 26, 2015 on Interstate 35 injured 3 people and claimed the life of Clark Davis, a resident of Arlington, Texas. The 32-year-old man left behind family, including a daughter.

**WHEREAS**, the Village desires to recognize and honor the life of Clark Davis.

**WHEREAS**, the Village wishes to rename the F.M. 2484 Bridge as Clark Davis Memorial Bridge;

**WHEREAS**, the Village wishes for Texas Department of Transportation to erect signage on both the northbound and southbound lanes of Interstate 35 below the bridge, indicating the bridge is named Clark Davis Memorial Bridge;

**WHEREAS**, the Village acknowledges that the cost of the signs will be approximately \$2,000 and that the Village will be responsible for its cost:

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

- Part 1.** The Board of Aldermen wishes to designate the F.M. 2484 Bridge of Interstate Highway 35 within the city limit boundaries of Salado as a memorial bridge for Clark Davis as Clark Davis Memorial Bridge.
- Part 2.** The Board of Aldermen authorizes the Village Administrator to sign any documentation or take any necessary action to execute this resolution.
- Part 3.** The Village shall raise funds through donations from the general public to purchase and maintain the signs.
- Part 4.** This resolution shall be in full force and effect immediately from and after its passage.
- Part 5.** The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

**PASSED & APPROVED this, the \_\_\_\_ day of \_\_\_\_\_, 2015, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the Board of Aldermen of Salado, Texas.**

**VILLAGE OF SALADO:**

*By:* \_\_\_\_\_  
Skip Blancett, Mayor

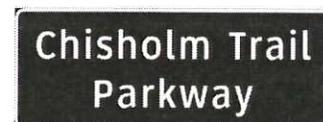
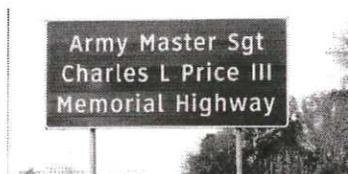
**ATTEST:**

*By:* \_\_\_\_\_  
Mary Ann Ray, Village Secretary

## Overview of Designated Highways or Structures and Named Highways

### Designated Highway or Structure Description

1. A highway or structure may be designated for a deceased person (memorial designated) or for an important landmark (designated). Reference to either a memorial designated or designated highway or structure is referred to as “designated”.
2. A designation does not change the physical postal address of the highway.
3. A designation may be given by a local government (city or county) or the state legislature (see page 2).
  - a. The city/county resolution language should be such that it is the city/county making the designation, and not TxDOT.
  - b. The city/county resolution language should designate the highway, not name the highway.
  - c. A designated highway or structure that spans several jurisdictions will require each local government provide a resolution designating their responsible portion.
  - d. If multiple resolutions are required, one local government can elect to be the spokesman and TxDOT can execute one agreement with the spokesman.
4. Designation markers should not appear on or along the highway. They should be placed in rest areas, scenic overlooks, or locations with parking areas. However, if the installation of a marker off the main roadway is not practical, signs may be placed on the mainlanes.
5. If no space is available off of the highway, a designated highway or structure may receive two signs; One sign on each end of the designated highway or structure.
  - a. Texas Transportation Code allows a sign placed every 75 miles. If a designated highway is 150 miles in length, it would be eligible for four signs; one sign on each end and two signs at intermediate locations.
  - b. Signs are not located on cross streets or as main lane supplemental signs.
6. A designated highway or structure sign design consists of brown background with white legend.
  - a. Conventional Highway- 8 inch Clearview 3w font.
  - b. Freeway-13.3 inch Clearview 5wr font.



### Named Highway Description

1. A named highway requires a physical postal address change.
2. A named highway is a highway that has been named by either a city or the state legislature (see page 2).
  - a. Counties typically aren't allowed to name highways unless mail delivery is a factor.
  - b. If the named highway spans multiple jurisdictions, each jurisdiction must provide documentation naming the highway.
3. A named highway is signed with street name signing.
  - a. Signs may be placed on intersecting cross streets as street name or advance street name signs.
  - b. Supplemental signs placed on the main lanes may be appropriate.
  - c. Sign designs follow guidance from the TMUTCD and SHSD.
4. TxDOT continues to sign for the highway number with typical guide signing.



## Overview of Designated Highways or Structures and Named Highways

### Process for Local Government Initiated Designated Highway or Structure

Please see the steps below for the process by which a local government may **designate** a highway (does not affect existing physical address).

Signs and Markings Link;

[http://gsd-ultraseek/txdotmanuals/smk/memorial\\_marker\\_and\\_named\\_marker\\_highways\\_and\\_structures.htm](http://gsd-ultraseek/txdotmanuals/smk/memorial_marker_and_named_marker_highways_and_structures.htm)

Texas Transportation Code Link;

<http://www.statutes.legis.state.tx.us/Docs/TN/htm/TN.225.htm>

1. The local government submits initial general request to the TxDOT district office. This general request is simply the basic information concerning the highway, bridge, or other structure and the proposed designation.
2. TxDOT district office checks with TRF-TE to verify that the highway or structure does not already have an existing designation.
3. The local government passes the necessary resolution designating the highway and furnishes it to the TxDOT district office.
4. TxDOT district office investigates to see if satisfactory space is available for the signs to be located.
5. TxDOT district office forwards the resolution and a sign design to TRF division for final approval of the size and wording. (TRF division can assist with sign design)
6. TRF-TE reviews the request, and if the request is acceptable, records the name and limits and prepares an approval memo for the Executive Director's signature.
7. TxDOT Executive Director signs the approval memo, which is then forwarded to the TxDOT district office.
8. TxDOT district office negotiates an advanced funding and general terms agreement (Named Marker or Memorial Marker Highway Sign Agreement) with the local government. (The local government gets one original and the district retains one original and sends a copy to TRF division.)  
[http://crossroads.org/GSD/Contract%20Services/Standard%20Contracts/Web%20Items/Traffic/Traffic-Traffic\\_MemMarker.doc](http://crossroads.org/GSD/Contract%20Services/Standard%20Contracts/Web%20Items/Traffic/Traffic-Traffic_MemMarker.doc)
9. TxDOT district office installs the markers after the advanced funding arrives and as time and conditions permit.

### Process for City Initiated Named Highway

Please see the steps below for the process by which a city may **name** a highway (physical address change).

Signs and Markings Link;

[http://gsd-ultraseek/txdotmanuals/smk/streetnamed\\_highways.htm](http://gsd-ultraseek/txdotmanuals/smk/streetnamed_highways.htm)

1. The city makes sure businesses and residents along the proposed section are in agreement to an address change.
2. The city enacts a resolution or ordinance naming the highway with a street name and sends the TxDOT district office a letter of notification and a copy of the official document. If more than one jurisdiction is involved, then each jurisdiction must provide a notification letter and copy of the official document.
3. TxDOT district office sends the document to TRF-TE division for review.
4. TRF-TE division reviews the name for possible problems.
5. TxDOT district office may change out guide signs on crossing freeways, expressways, etc. in accordance with payment conditions outlined in Chapter 7, Section 18 of the Signs and Markings manual.

REFER TO CONTRACTOR SPECS; REFER TO EDITION

Section 5.2 Landscaping

A. PURPOSE AND INTENT

Landscaping is intended to add value to property and is in the interest of the general welfare of the Village. Landscaping also serves to increase the amount of property that is pervious surface area. This in turn helps to reduce the amount of damage or erosion created by storm water runoff, and any consequent non-point pollution in waterways. Landscaping minimizes adverse effects on surrounding property owners and the general public, ensuring high quality development is maintained throughout the Village achieving a more sustainable, attractive place in which to live, visit, and conduct business.

B. DEFINITIONS

Refer to Section \_\_\_\_\_.

C. APPLICATION

The standards and criteria contained within this Section are deemed to be minimum in nature and shall apply as outlined in Section \_\_\_\_\_, *Non-Residential Standards Applicability Table*.

1. Any use requiring a Conditional Use Permit or a Planned Development zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the CUP or PD district.
2. The requirements do not apply to single-family, duplex, or townhouses, except as provided by in Sub-Section \_\_\_\_\_.
3. Each phase of a multi-phase project must comply with this Section.
4. All landscaping requirements under this Section shall run with the land once development has begun and shall apply against any owner or subsequent owner.
5. Where in conflict with other sections of this or any other ordinance the stricter requirements shall apply.

D. LANDSCAPE PLAN

A landscape plan must accompany all site and/or construction plans submitted to the Village for all Multi-Family Dwelling and Non-Residential Use projects. Each plan must detail how the conditions of this Section are to be met.

1. Landscaping plans must be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and must include the following information.

- a. Minimum scale of one inch (1") equals fifty feet (50') shown in both written and graphic form;
- b. The date, title of project, name of owner, and North arrow/symbol;
- c. Location of existing boundary lines and dimensions of the tract, and a small map showing where the property is located;
- d. Approximate centerline of existing water courses; the approximate location of significant drainage features; and the location and size of existing and proposed streets and alleys, refuse disposal areas, and fences; the location of existing and proposed easements on or adjacent to the lot including overhead utilities; existing and proposed parking spaces, or other vehicular areas, access aisles, drives, and existing and proposed sidewalks adjacent to the street; and an indication of adjacent land use.
- e. Location, size, spread, species, and type (tree, shrub, groundcover, or turf) of proposed plants, together with a plant listing that includes the common and botanical name, quantity, size (container size, planted height), and spacing of all proposed landscaping at time of planting;
- f. Location of all landscaping and screening materials to be used, including pavers, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), rock, topography of site, or other landscape features.
- g. Planting and installation details in accordance with sound horticultural practices;
- h. Layout and description of irrigation, sprinkler, or water systems including location of water sources;
- i. The proposed lighting plan for the entire area of the site plan; **move to separate section and have them turn in at the same time**
- j. A tabulation clearly displaying the relevant statistical information necessary for the Village to evaluate compliance with the provisions of this Section. This includes gross acreage, square foot area of preservation areas, landscaping, number of trees and shrubs to be planted or preserved, square footage of paved areas, and similar other information to ensure conformance with all required standards;
- k. Existing and proposed grades adequate to identify and properly specify planning for areas needing slope protection;
- l. Limit of construction line encompassing all areas of natural vegetation of the site which are to be left undisturbed;
- m. A survey of all trees eight (8) inches in caliper and larger measured 4.5 feet above ground level, referred to herein as Protected Trees. Protected Trees are to be represented by circles; unbroken circles indicate trees which are to remain and dashed circles indicate trees to be removed. Include type and general condition of all surveyed trees within the site; and

- n. Identification of temporary measures during construction to protect existing trees that will be remaining on the property.
2. The administrator, or his/her designee, will review all plans in accordance with this Section. If the submitted plans do not meet the minimum requirements, they will not be approved and notification will be sent to the applicant outlining the deficiencies and corrections to be made. Once all items noted are resolved, the landscape plan must be resubmitted for review. This process will continue until all requirements have been met.

#### E. PERMITS

1. **Issuance:** No permits shall be issued for building, paving, grading, or construction of any Multi-Family Dwelling or Non-Residential Use project until the landscape plan is approved by the Administrator, or his/her designee. **Add language that approval of landscape plan does not necessarily constitute issuance of a building permit – nonresidential section of code**
2. **Certificate of Occupancy:** All landscaping requirements of this Section, including the requirements contained in an approved landscape plan or agreement must be met prior to the issuance of a Certificate of Occupancy for any project to which these regulations apply.
3. **Temporary Certificate of Occupancy:** If construction of a project occurs during a season of the year in which the Administrator, or his/her designee, determines it would be impractical to establish landscaping, a conditional temporary Certificate of Occupancy may be issued. The request for a conditional temporary Certificate of Occupancy must be submitted in writing along with the landscaping plans. If granted, the applicant must enter into an agreement with the Village acknowledging all compliance with the landscaping requirements will be met within 90 days from issuance. Should compliance not take place as agreed, the temporary Certificate of Occupancy will be revoked.

#### F. DEVIATIONS AND APPEALS

Where improvements are sought to Multi-Family Dwelling or Non-Residential Use properties in existence prior to the effective date of this Section which do not currently meet the landscaping requirements outlined herein, the Administrator, or his/her designee, may approve a landscape plan with deviations from these requirements.

1. Deviations must be requested in writing outlining which portion(s) of this Section should not apply and why.
  - a. Such deviations will only be granted if the requirements of this Section cannot be reasonably complied with because of the existing developed

- conditions. In all other instances the property must be brought to the current minimum standards.
- b. Any deviance granted will be specific and list which portions of this section do not apply. No deviance granted will exempt the property from regular maintenance.
2. An applicant may appeal to the Zoning Board of Adjustments for final determination any
    - a. Decision of the Administrator that a landscape plan does not meet the requirements set forth in this Section; or
    - b. Refusal of the Administrator to approve a requested deviation from this Section.

#### G. GENERAL PLANTING REQUIREMENTS AND DESIGN STANDARDS

The planting specifications and standards included herein are applicable unless otherwise stated. Any landscaping element installed to satisfy the requirements of this chapter must meet the following requirements.

1. All required trees, shrubs, vines, groundcovers, and turf must be of a species permitted in the *Landscape Standards Design Manual*.
2. No more than fifty percent (50%) of the required trees and shrubs shall be of the same species without the approval of the Administrator, or his/her designee.
  - a. Such approval may only be granted in order to achieve specific design intent of the landscape architect.
3. Improved soils and mulch must meet criteria specified in the *Landscape Standards Design Manual*.
4. All landscaping shall be separated from vehicular use areas by barriers of raised concrete curbing. All landscape beds shall be separated from sod areas by some form of barrier such as steel edging, masonry materials, or another equivalent durable material as approved by the Administrator. No plastic materials shall be allowed.
5. Nothing shall be erected, placed, allowed to grow, or planted so that it impedes vision in the Sight Visibility Triangle.
6. No artificial plant material may be used in any form to satisfy the requirements of this Section.
7. Any landscaping placed in utility easements or the public right-of-way shall not be counted towards the minimum landscaping requirements.
8. Trees:
  - a. Must be a minimum of seven feet (7') in overall height and a minimum of three inches (3") in caliper at the time of planting.
  - b. Must be planted in a pervious area no less than four feet (4') wide in any direction measured from the center of the tree.
  - c. Sixty percent (60%) of required trees must be evergreen with year round foliage.

9. Shrubs
  - a. Must be a minimum size of 3 gallons.
  - b. Must be planted in a pervious area no less than three feet (3') wide in any direction measured from the center of the tree.
  - c. 80% of shrubs must be evergreen.
10. Vines
  - a. Must be a minimum of 30 inches (30") in height at the time of planting
  - b. May be used in conjunction with fences to meet screening and buffering requirements.
11. Turf
  - a. Must be spaced to create 100% coverage within six months of planting.
  - b. Solid sod must be used to provide coverage and soil stabilization in swales, sloped, or other areas subject to erosion.
  - c. In areas where other than solid sod is allowed, annual rye grass seed must be sown for immediate effect and protection until coverage is achieved
12. Groundcovers
  - a. Weed barriers shall not be used in conjunction with groundcovers, provided however newspaper or other natural materials may be utilized at initial planting to facilitate weed control
  - b. Must not have greater than a 6" spacing

## TREE PRESERVATION

The Landscape Plan must provide for the planting of two (2) large replacement trees to be planted for each protected tree to be removed. A list of protected trees and acceptable replacements can be found in the **Landscape Standards Design Manual**. Tree replacement requirements do not apply to Bois D'Arc, Ashe Junipers, Hackberry, Willow, Cottonwood, Cedar, and Mesquite trees.

The replacement trees are in addition to any other trees required to be planted under this Section and shall meet a minimum height of seven feet (7') and three inches (3") in caliper at the time of planting.

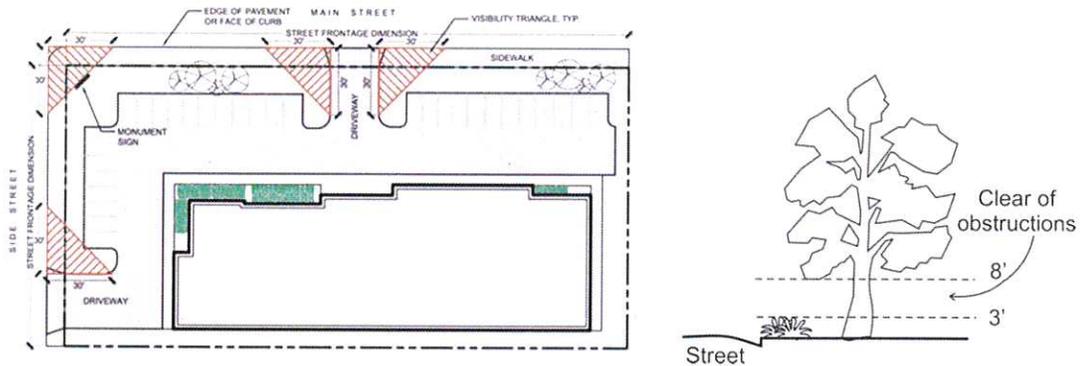
1. During any construction or land development, the developer shall clearly mark all trees to be preserved/retained on-site, and may be required to erect and maintain protective barriers around all such trees or groups of trees.
  - a. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris to be placed within the drip line of any trees that are designated for preservation.
  - b. The developer shall not allow fill or topsoil to be placed within the drip line of any trees that are designated for preservation.

2. During the construction phase of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees that are being preserved.
  - a. Neither shall the developer allow the disposal of any waste/toxic material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.

#### H. SIGHT, DISTANCE, AND VISIBILITY

Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections, this area is commonly referred to as a sight visibility triangle.

1. **Sight Visibility Triangle:** An area (15 feet by 15 feet) located near a street, alley, or driveway intersection in which no structure or landscaping may be installed which will obstruct views (at a level between 30 inches above grade and 8 feet above grade) and create a traffic or pedestrian hazard.
  - a. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross visibility area.



2. **Proximity to Access ways and Driveways:** Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any access way pavement or driveway.
3. **Reduction to Remove Visibility Obstruction:** In the even that other visibility obstructions are apparent in the proposed landscape plan, as determined by the Administrator, or his/her designee, the requirements set forth in this Section 5.2 may be reduced to the extent to remove the conflict.

#### I. MAINTENANCE

The owner, tenant, and/or their agent shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times.

1. Replacement of Living Materials: Plant materials that are required according to this Section which become diseased, deteriorated, or die shall be replaced with plant materials of similar variety and size within ninety (90) days.
  - a. A time extension for replacement of plant materials that have died may be granted by the Administrator or his/her designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his/her agent.
2. All landscaped areas must be irrigated on a regular basis and in accordance with any water management restrictions
3. Nonconformance and Failure to Maintain: If at any time after the issuance of a Certificate of Occupancy the approved landscaping is found to be not in conformance with the standards and criteria of this Section, the Administrator, or his/her designee, shall issue notice to the owner citing the violation and describing what action is required to comply.
  - a. The owner, tenant, or agent shall have thirty (30) days from date of notice to establish/restore the landscaping as required.
  - b. If landscaping is not established or restored within the allotted time, then such a person is in violation of this Ordinance. Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties set forth in [Section VI](#) of this Ordinance.

#### J. NON-RESIDENTIAL LANDSCAPE REQUIREMENTS

Each site must provide a minimum of the following landscape elements.

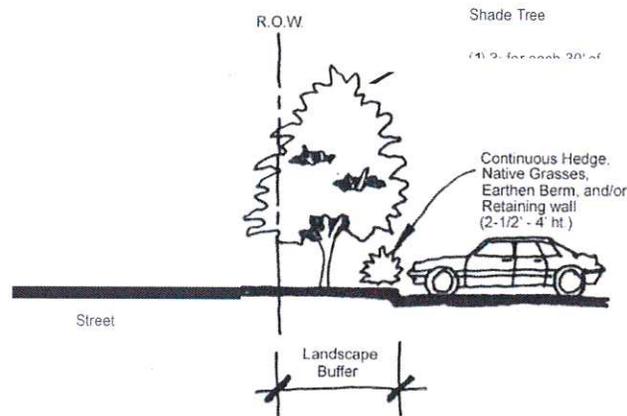
1. Landscape Area: A minimum of thirty percent (30%) of the total site area must be landscaped with living trees, shrubs, turf, and/or groundcover and must be irrigated.
  - a. Areas located in the public right-of-way do not count toward the total minimum landscape area requirement.
  - b. All areas of the site not covered by building, pavement, or similar permanent improvements must be landscaped with trees, shrubs, turf, and/or groundcover.
  - c. A maximum of the fifteen (15%) percent of the thirty percent (30%) landscape area may be tree mulch, river rock or granite mix as per [Guide](#).
2. Landscape areas must consist of plants from the Approved Plant List, covering eight-five percent (85%) of the required landscaped area.
  - a. At least seventy five percent (75%) of the landscape area must be located in the front and side yard.
  - b. All plants used to satisfy the requirements of this Section must be located in landscaped areas that are at least three feet (3') in width.
  - c. Each required tree must be planted in a landscaped area of at least sixteen (16) square feet.

3. Drainage facilities are not allowed within the landscape area except those that are necessary to convey drainage in the shortest possible route to or from the public street right-of-way.
  - a. Drainage facilities include detention ponds, water quality ponds, outlet structures, drainage berms, or other improvements associated with the drainage improvements.
  - b. Any drainage facility must have a natural look, using natural stone and landscaping with minimum slopes.
4. Vegetation must be used to soften the appearance of walls, including those used for screening.
  - a. This may include vines trained up the wall or minimum five (5) gallon shrubs planted a minimum of thirty inches on center reaching three feet (3') in height within one year.
5. Foundation plantings are required on all facades facing a public street, and within a planting area a minimum of four (4) feet in depth along fifty percent (50%) of the length of any front and side façade visible to the public. Foundation planting may count toward the required minimum landscape area required in paragraph \_\_\_ above.
6. A landscape buffer is required adjacent to any public street right-of-way.

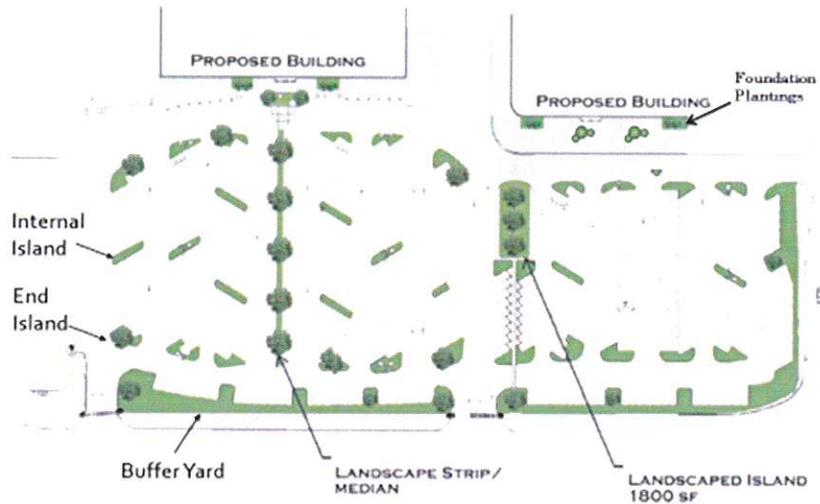
**INSERT PIC FOR LOCATION**

- a. One large tree with a minimum three inch (3") caliper and seven foot (7') height must be planted for each thirty feet (30') of frontage along public street right-of-ways, as measured along the lot line.
  - b. May be planted in a regular interval or in clusters. Exception: In the Historic District canopy trees must be planted in regular intervals and cannot be clustered.
  - c. Four (4) ornamental trees or two (2) medium canopy trees may be substituted for each large tree under power lines.
  - d. In all districts except the Historic District, berms not less than twenty-four inches (24") nor more than forty-eight inches (48") in height at no more than a four to one slope are required.
  - e. A minimum front yard buffer width is 15' plus the width of the required sidewalk. A minimum side street buffer width is 10' plus the width of the required sidewalk.
  - f. One minimum two inch (2") caliper ornamental tree must be planted for each thirty feet (30') of frontage along public street rights-of-way as measured along the lot lines.
  - g. Meandering sidewalks are required within the landscape buffer the entire length of any street frontage. (see Section \_\_\_\_)
7. Any of the following must be screened by a continuous hedge or shrubs, earthen berms, or retaining walls that are two and one-half to four feet in height. If walls are used to provide screening, one shrub or vine must be planted on the street side of the berm for each ten feet (10') of street frontage. **ADDRESS ADDITIONAL BUFFERING FOR FUEL PUMPS AND SIMILAR HIGH IMPACT USES**

- a. Parking lot or vehicle use area;
- b. Fuel pumps visible from the direction of traffic flow;
- c. Vehicle drive-through windows facing the street or traffic flow.



8. Landscaped parking islands are required as follows in all parking lots. Parking islands may count toward the required minimum landscape area.
  - a. **Interior islands:** A curbed landscape island must be provided for every ten (10) parking spaces. Each island must be a minimum of 170 square feet in area and ten feet (10') in width back-of-curb to back-of-curb, and be dispersed throughout the parking lot. A minimum three inch (3") caliper tree is required in each island. The remaining area must be landscaped with plants not exceeding three feet (3') tall.
  - b. **Terminal (End) islands:** All parking rows must terminate in a curbed landscape island. Each terminal island must be a minimum of 360 square feet in area and contain two minimum three inch (3") caliper trees.
  - c. **Median islands:** A curbed median island a minimum of ten feet (10') in width back-of-curb to back-of-curb must be located after every third parking bay and along primary internal access drives. Each median island must contain one minimum three inch (3") caliper tree a minimum of every thirty feet (30') on center.



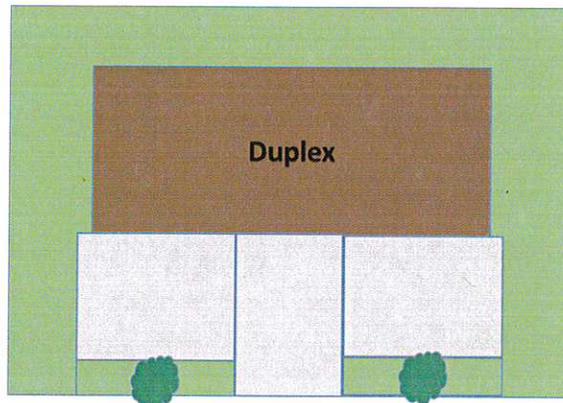
K. Buffering and Screening

1. Any premise used or zoned for a Non-residential use that abuts another premise zoned or used for Single or Two-Family Dwellings must have an opaque screening fence.
  - a. Fence must be a minimum of six feet (6') in height.
  - b. Must be located along the abutting lot line, from the front building line to the rear lot line.
  - c. Fence is not required if a comparable fence is already existing on the abutting residential property.
2. All side yards that are not street side yards must contain a six foot (6') wide landscaped area extending from the front lot line to the rear lot line.
  - a. Must contain one (1) tree for each thirty linear feet of landscaping or screening, or portion thereof.
3. Any premise used or zoned for a Non-Residential use that contains a parking lot or vehicle use area in a side or rear yard that abuts a premise used or zoned for Non-Residential use, must have a screen of hedges, berms, or fencing.
  - a. Must be a minimum of three and one half feet (3 1/2') and a maximum of eight feet (8') in height.
  - b. Must be located between the parking lot and/or vehicle use area and the side or rear lot line so as to provide screening for twenty-five percent (25%) of the parking lot and vehicle use area.
  - c. May be grouped and dispensed randomly and need not be spaced evenly.
  - d. Must contain one (1) tree for each fifty linear feet of screened area, or portion thereof, unless the premise to which this section applies and the abutting property are both located in an M-1 or M-2 district, then the area to be screened must contain one (1) tree for each seventy-five linear feet of screened area.

L. RESIDENTIAL FRONT YARD LANDSCAPING REQUIREMENTS

The requirements of this Subsection are limited to properties developed for single family, duplexes, and townhomes.

1. Minimum of two (2) large trees of at least two inches (2") in caliper or one (1) tree of at least four inches (4") in caliper, seven (7') feet high shall be planted in the front yard on each lot or;
2. Minimum of one (1) tree for each fifty feet (50') of lot width or portion thereof, measured along the Front Lot Line.
  - a. Trees may be clustered or spaced linearly and need not be placed evenly at fifty foot (50') intervals.
3. Duplexes: Where parking is provided in the front yard, an eight foot (8') landscaped setback shall be required between the property line and the nearest side of the parking pad.
  - a. This area must be landscaped and contain a three foot (3') high screen consisting of a continuous berm, hedge, or wall.
  - b. Maintenance, as outlined in subsection \_\_\_ applies.
  - c. INSERT TABLE REGARDING MAXIMUM AMOUNT OF GRASS ALLOWED (SLIDING SCALE BASED UPON PROPERTY SIZE)



# BOARD OF ALDERMEN

## AGENDA ITEM MEMORANDUM

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07/02/15  
Item #14  
Regular Agenda  
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**DEPT/DIVISION REVIEW:** Kim Foutz, Village Administrator

**ITEM DESCRIPTION:** Presentation, discussion, and possible action on: 1) a Master Development Agreement with 4T-LFT Ventures, LP, for redevelopment of Stagecoach Inn and Restaurant; and 2) a Tourism Marketing Agreement with 4T-LFT Ventures, LP.

**STAFF RECOMMENDATION:** Staff recommends approval.

**ITEM SUMMARY AND ANALYSIS:** This item was postponed from the June 4<sup>th</sup> meeting. 4T-LFT Ventures has proposed to redevelop the Historic Stagecoach Inn, restaurant, and site. Below is a description of the proposed development:

***Phase I - Mixed-Use Development:*** The redevelopment of the existing restaurant and coffee shop in a manner so as to re-build the brand and reputation of the Stagecoach Inn restaurant as a dining destination; renovation of the existing 5,000 square feet of meeting space, and renovation of the existing retail space of along the west side of Main Street.

***Phase II - Hotel Redevelopment:*** The renovation of the existing 82 hotel rooms and addition of 38 hotel rooms for a total of 120 boutique 4-star hotel rooms. Hotel amenities to be newly constructed include: a full service fitness center, a mineral pool with spa services, addition of 5,000 square feet of meeting space, lounge, landscaped courtyard including outdoor event and activity spaces, extensive landscape improvements especially along I-35 for buffering. Hotel amenities to be renovated include 5,000 square feet of existing meeting space, two swimming pools with new family areas, a parking facility near the existing wastewater treatment plant, and private park improvements to open the view to Salado Creek and connect to the trail system.

An overview of the incentives contained in the Master Development Agreement will be provided at the meeting.

In addition to the Master Development Agreement provisions, staff will provide a summary of the proposed Tourism Marketing Agreement which is a contract for promotional services, programs, and activities to promote hotel, tourism, and convention attendance in the Salado Marketing Area.

**FISCAL IMPACT:** A variety of incentives are included in the Master Development Agreement. Staff will provide an overview of the total incentives and related value.

**ATTACHMENTS:**

- Master Development Agreement
- Tourism Marketing Agreement