



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

**REGULAR MEETING AGENDA**

**6:30 P.M. THURSDAY, SEPTEMBER 3, 2015  
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**

Mayor’s Report

Police Department Report – Chief Jack Hensley

Fire Department Report – Chief Shane Berrier

Chamber of Commerce/Tourism Report – Village Administrator Kim Foutz

**III. PROCLAMATIONS**

None.

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

4. Consider approving the Consent Agenda item:
  - a. Minutes, August 17, 2015, called meeting
  - b. Minutes, August 20, 2015, regular meeting
  - c. Minutes, August 27, 2015, called meeting

## **VI. REGULAR SESSION**

5. Discuss and consider action on the following proposed agreements related to the Sanctuary Community development project:
  - a. Donation Agreement between the Village of Salado and Billie Hanks Jr., and Salado Utility Company, Inc. for the donation of 6 acres of land and Water Quality Permit No. WQ0014898001;
  - b. Wastewater Service Agreement between the Village of Salado and Sanctuary Development Company, LLC. for the funding and constructing of improvements to the Village's wastewater collection, pumping, treatment, and disposal system, and the terms and conditions for retail wastewater services to the proposed 297 acre development to be constructed by Sanctuary Development Co.; and
  - c. Development Agreement between the Village of Salado and Sanctuary Development Company, LLC. for the terms and conditions of economic development incentives related to the proposed 297 acre development to be constructed by Sanctuary Development Co.
6. Discuss the Intentional Feeding and Management of Deer proposed ordinance

## **VII. EXECUTIVE SESSION**

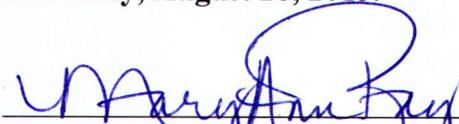
7. Discuss the Sanctuary Community development project as authorized by Texas Government Code Sections 551.072 (Deliberations about Real Property), 551.073 (Deliberations Regarding Gifts and Donations), and 551.087 (Deliberation Regarding Economic Development Negotiations).

## VIII. ADJOURN

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

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 5:45 p.m. on **Friday, August 28, 2015.**



Mary Ann Ray, Village Secretary

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**POLICE DEPARTMENT**

**MONTHLY REPORT**

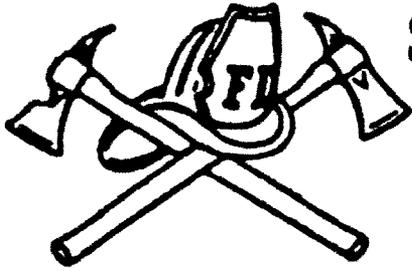
**FOR THE MONTH ENDING August 31, 2015**

<b>GOALS / WORK PLAN</b>	<b>UPDATE</b>
Update General Orders	Last updated in 2004. Have been reviewing the current operations manual and updating the policies to meet the Best Practices guideline. Will present outline and a few chapters at future workshop for BOA consideration.
Emergency Operations	<ul style="list-style-type: none"> <li>• In the process of locating someone to serve as Emergency Management Coordinator</li> <li>• The annex's are completed and we are now in compliance with the state standards. We are now working on the Basic Plan and will have this on a future work shop agenda. We are drafting ordinances and resolutions that may be used in the event of a disaster. Evaluate existing interlocal agreements, recommend changes as needed; identify new agreements needed, if any</li> <li>• Identify resource list and arrangements for goods and materials necessary during emergency</li> </ul>
Develop 5 year action/strategic plan	The construction of a Police Department strategic plan 2014 / 2018 is underway.

Early Outdoor Warning System	Starting to gather information about vendors and types of programs.
Training report	Officer Laird- Intermediate Spanish
State Training Cycle	8 <sup>th</sup> consecutive year the department has successfully completed the State mandated training.
National Take Back Day Initiative	September 26, 2015, 10:00 am-2:00 pm

<b>ACTIVITIES / PERFORMANCE MEASURES</b>	
Calls For Service	270 (97% in city,3% outside city)
<b>BREAKDOWN OF TYPE OF CALLS FOR SERVICE</b>	
Average response time	4:28
Offenses	12
Arrests	0





# Salado Fire Department

P.O. Box 503

Salado, Texas 76571

Tel. 254-947-8961 • Fax 254-947-1006

In the month of August Salado VFD has responded to the following calls

## In the Village

11 - EMS

6 - Fire Calls

4 - MVA

## County calls

29 - EMS

8 - Fire

7 - MVA

Shane Berrier

Fire Chief, Salado Vol. Fire Dept.

**Village of Salado, Texas**  
**Special Called Meeting**  
**Board of Aldermen**  
Meeting Minutes  
Municipal Building, 301 N. Stagecoach Drive  
6:30 p.m., Thursday, August 17, 2015

**I. Call to Order.**

Mayor Skip Blancett called the meeting to order at 6:32 p.m.

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

Others present: Kim Foutz, Village Administrator; Jack Hensley, Chief of Police; Mary Ann Ray, Village Secretary.

Citizen David Gardner led the invocation.

The Mayor led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**II. Regular Agenda.**

Mayor Blancett welcomed everyone what promised to be an historic meeting for the Village of Salado. He explained the evolution of negotiations with Sanctuary Development Company. He explained that the Board of Aldermen and Sanctuary representatives would adjourn to Executive Session for no more than 10 minutes. The Board then adjourned to Executive Session at 6:40 p.m.

**III. Executive Session.**

The Board of Aldermen met in Executive Session pursuant to Texas Government Code Sections 551.071 (Consultation with Attorney); 551.072 (Deliberations about Real Property); 551.073 (Deliberations about Gifts and Donations); and 551.087 (Economic Development).

**IV. Regular Session.**

The Board of Aldermen reconvened into Regular Session at 6:50 p.m. The Mayor thanked Robert Sulaski, president of Sanctuary Development Company, for coming from North Carolina to meet with citizens and turned the floor over to him.

Mr. Sulaski introduced the members of his team and outlined his plans for development of the Sanctuary, a proposed development to the south that will include residences, apartments, retail and restaurants, a boutique hotel, a parking garage, parks, and an 1,800-

seat indoor music venue. He described fixtures such as streetlights and other embellishments that will lend to the charm of both the Sanctuary and the Village.

He said that the property along the northeast boundary of the development to be donated by Billie Hanks would be large enough for a sewer station that can handle 600,000 gallons a day.

He said that while the land in question is currently in the extraterritorial jurisdiction, the entire development would be annexed into the Village. The area along FM 2268 would be the first developed and will include retail, the boutique hotel, and the music venue.

He said the development would donate 6.0 acres for the wastewater treatment plant. He also said that imminent domain would be a part of the development agreement.

Mayor Blancett announced that the Board of Aldermen would adjourn to Executive Session at 7:50 p.m.

**V. Executive Session.**

The Board of Aldermen met in Executive Session pursuant to Texas Government Code Sections 551.071 (Consultation with Attorney); 551.072 (Deliberations about Real Property); 551.073 (Deliberations about Gifts and Donations); and 551.087 (Economic Development).

**VI. Regular Session.**

The Board of Aldermen reconvened into Regular Session at 8:22 p.m.

*Alderman McDougal made the motion to approve the Wastewater Service Agreement and the Donation Agreement subject to the Village Attorney and staff refining and finalizing the agreement language reflecting the terms, conditions, and changes agreed upon today and authorizing the Mayor to execute the agreements no later than August 20. Mayor Pro Tempore Brown seconded.*

Discussion:

Mayor Pro Tempore Brown spoke about how the original plans for Sanctuary did not include annexation, but now the entire development will come into the Village, contributing to the tax base and helping the economy. The agreement with the Sanctuary will benefit the entire Village because of the wastewater plant.

Alderman Dankert called for the question.

*The motion passed by a vote of 3 to 1 (Alderman Dankert).*

**VII. Adjourn.**

Before accepting a motion to adjourn, Mayor Blancett lauded the members of the Board of Aldermen for taking their time in negotiating an agreement that is mutually beneficial to the Village and the Sanctuary.

*Alderman Coachman made the motion to adjourn. Alderman Dankert seconded. The meeting was adjourned at 8:30 p.m.*

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

Attest:

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

Village of Salado, Texas  
**Regularly Scheduled Board of Aldermen  
Meeting Minutes**  
6:30 p.m. Thursday, August 20, 2015  
Municipal Building, 301 N. Stagecoach Road

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

**Others present:** Kim Foutz, Village Administrator; Chrissy Lee, Record Keeper; Jack Hensley, Chief of Police.

**I. Call to Order.**

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

1. Citizen Larry Sands opened the meeting with prayer.
2. Boy Scout Ian Deakins led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**II. Reports.**

**Mayor's Report** -- The Mayor invited all to come for free snow cones from 10 a.m. to noon Saturday at the Civic Center. He also invited everyone who has lived in Salado for three or fewer years to come to the final "Evening with the Mayor" at 6 p.m. Monday, August 27, at City Hall. He announced that starting on August 31, representatives from James Construction will assemble a group each week to drive around to look at progress on the reconstruction of Interstate 35. He also will be meeting with Keep Salado Beautiful in the coming weeks. He also read a letter from General Joe Weber, executive director of the Texas Department of Transportation, regarding school traffic flow with respect to the construction. He discussed the importance of customer service.

**Environmental Report** – Alderman Dankert reported that the Georgetown Salamander final ruling was issued August 7, Section 4.D of the Endangered Species Act. She said Salado would not receive the same considerations from U.S. Fish and Wildlife Service as Georgetown because Georgetown was very proactive in protecting its salamander. Also, she said that the habitat for the Georgetown Salamander is almost all on city property, whereas the Salado Salamander habitat is almost all on private property.

**ETJ/Annexation Report** – Alderman McDougal asked Administrator Foutz to give the report. She reported that the Village is working with the Salado Independent School District to finish up the development agreement for the wastewater system. She reported there have been several inquiries and ongoing meetings with private businesses that are interested in coming into the city because want city services including wastewater.

**Ordinance Committee Report** – Alderman Coachman reported that the Landscape Ordinance would be discussed later in the meeting.

**Main Street Report** – Mayor Pro Tempore Brown reported that the first public showing of the Texas A&M University plans would take place at 5:30 p.m. Monday, August 31 and Tuesday, September 1, at City Hall. He also reported that the committee has met with the new owner and developer of Stagecoach Inn. Renovations will start with the main restaurant and meeting spaces in May 2016, then about six months later start renovating the hotel.

**Street Improvement Report** – Alderman McDougal reported that 22 streets have been crack-sealed, totaling 10.6 miles (21.2 lane miles) using 550 gallons of product. This work has been done by city employees and dedicated volunteers. Salado Plaza overlay and ribbon curb are complete. TxDOT should finish Thomas Arnold Road by the start of school. Mayor Blancett publicly acknowledged Village Maintenance Director Dwaine Barton and his assistant Franklin Smith for their hard work in the heat of the summer. Administrator Foutz reported that Chisholm Trail, Baines, and Royal streets have been chip-sealed by Bell County.

**Financial Report** – Administrator Foutz reviewed the financial reports; see attached. Alderman Coachman addressed the numerous Open Records Requests that have been filed recently with the Village and the legal fees and staff costs associated with those requests.

### **III. Public Comments.**

Dr. Lewis Raney, 800 DeGrummond Way, reported that Dr. Robert Dunlap, a longtime Salado citizen, recently passed away. He then spoke about the overpopulation of deer in the Village and the hazards, both financial and health-related, caused by too many deer. He said he supports bow-hunting to cull the deer population.

### **IV. Consent Agenda.**

Consider approving the Consent Agenda items:

- a. Minutes, Regular Meeting, August 6, 2015
- b. Minutes, Called Workshop August 15, 2015
- c. Interlocal contract with the Central Texas Council of Governments for administration of the \$1 million EDA grant (\$2.1 million project) for Main Street sewer improvements in the amount of \$40,000.

*Alderman McDougal made the motion to approve the Consent Agenda as presented. Mayor Pro Tempore Brown seconded. The motion passed unanimously.*

## V. Regular Agenda.

The Mayor asked to move Item 7 up on the agenda.

7. PUBLIC HEARING – Consider the adoption of an ordinance authorizing and ordering the issuance of Village of Salado, TX, Permanent Improvement Bonds, Series 2015; prescribing the terms and form thereof; levying a continuing direct annual Ad Valorem Tax for the payment of said bonds; and resolving other matters incident and related to the issuance, security, sale, payment, and delivery of said bonds.

Administrator Foutz reported that three bids were received: The American National Bank, Regions Bank, and “TIB”, The Independent Bankers Bank. She recommended American National, which offered a 2.94 fixed interest rate. The bid includes 19 principle payments, from 2016 to 2035. Year 1 includes an interest-only payment of \$231,704. Years 2 through 19 range anywhere from \$560,000 to \$575,000. She explained that the proposed tax rate is .1999, with a debt tax rate of just less than .14, producing a proposed tax rate of .3395.

Chris Lane of SAMCO Capital Markets, Inc., Village financial advisor, offered some comparisons: the City of Bellaire sold \$7.7 million in general obligation bonds Monday, receiving a rate of 3.0367. The City of Ponder sold slightly less than \$5 million in bonds last week; Ponder bought bond insurance and received a rate of 2.98.

She explained that the representative of American National was very adamant about a fixed rate. The legal fee to American National will be \$2,500. The sale will close on September 15, 2015. Interest charges will start that date. In addition, the Village will earn interest on the money while it is in the bank.

Jerry Kyle of Andrews Kurth, L.L.P., bond counsel, reviewed the final bond ordinance for the members of the Board.

Administrator Foutz explained that Village investment advisor Dan Nixon is aware that the bond funds are coming and is actively exploring investment possibilities. The Village must set up a separate account to hold the funds. Mr. Kyle explained that interest on the bonds is tax-exempt.

**Public hearing:** The Mayor opened the public hearing at 7:31 p.m.

Tim Fleischer, 912 Cedar Park Circle, asked about two conflicting figures on Page 85 of the ordinance: \$8 million and \$800 million.

Steven Ervin, 1717 Mill Creek Ct., asked about the bond rating, if local citizens can buy the bonds, and if the bonds are insured.

Chris Lane said that the bonds were a private placement; therefore the city did not have to pay for a bond rating. Large entities and banks can purchase the bonds, but the bonds are not in the open market. The bonds are not insured.

The Mayor closed the public hearing at 7:36 p.m.

*Alderman Coachman made the motion to adopt an ordinance authorizing and ordering the issuance of Village of Salado, TX, Permanent Improvement Bonds, Series 2015; prescribing the terms and form thereof; levying a continuing direct annual Ad Valorem Tax for the payment of said bonds; and resolving other matters incident and related to the issuance, security, sale, payment, and delivery of said bonds, amending Exhibit A-1 to read "\$8 million", striking the word "hundred". Alderman McDougal seconded. The motion passed unanimously.*

6. PUBLIC HEARING – Hold a public hearing and consider adopting an Ordinance authorizing amendment to Ordinance 2013.08 Zoning Ordinance, amending Section 5.2 Landscaping.

Administrator Foutz explained that the ordinance was reviewed by the Ordinance Committee and the Planning & Zoning Commission and approved by a 3-0 vote of the P&Z's meeting Tuesday with the following changes:

- Requirements apply to multifamily and apartments
- No landscape architect or professional landscaper/landscape knowledge needed
- Deviations on existing multifamily and non-residential properties are granted by P&Z approval in lieu of Administrator
- Single-family residences are exempt

The reason for the changes is to avoid having to conduct hearings and facilitate community development.

**Public hearing:** The Mayor opened the public hearing at 7:42 p.m.

Dave Broecker, 1417 Elizabeth Circle, said he opposes the ordinance and finds it insulting to be told what he can and cannot plant.

Pat Broecker, 1417 Elizabeth Circle, suggested that the Master Gardeners devise a landscaping plan that is not so dictatorial.

Linda Reynolds, 507 Santa Rosa, addressed the use of water in landscaping.

Tim Fleischer, 912 Cedar Park Circle, said the ordinance sounds like a solution in search of a problem and expressed concern that the Chamber of Commerce was not consulted. He suggested xeriscaping and use of native plants.

The Mayor closed the public hearing at 7:54 p.m.

*Alderman McDougal made a motion to postpone a decision on Item No. 6 and to put together a business committee to work on Item No. 6. Mayor Pro Tempore Brown seconded. The motion to postpone passed unanimously.*

5. Consideration and possible action on a contract with Kasberg, Patrick and Associates, L.P., for engineering services including but not limited to design, bidding, administration plan review, and on-site representation.

Administrator Foutz reported that Village staff and CTCOG representatives met with the EDA about the wastewater grant. KPA, the Village's engineer, has extensive experience all of the matters of the improvements, including final design and survey work. The project is split into three components: the EDA component, which must be kept separate from the bond component; the bidding service, construction administration and safety, which also must keep EDA and bond separate; and additional services for the collection system: easement field notes and other minor expenses. The contract also include the decommissioning of the Stagecoach plant. Planned review is also included. The total amount of the contract is \$740,500.

*Mayor Pro Tempore Brown made the motion to approve the contract with Kasberg, Patrick and Associates, L.P., for engineering services as presented in the amount of \$740,500. Alderman McDougal seconded. The motion passed unanimously.*

The Mayor asked Rick Kasberg to address the first steps of the project. First will be written permission from all property owners along the Main Street corridor to allow for surveying to identify all the constraints to moving forward. Second, all underground dry utilities must be relocated; this process can take two to three weeks.

Tim Fleischer, president of the Chamber of Commerce, offered the assistance of the Chamber of Commerce and Visitor's Center to get the survey permission forms signed by property owners.

The Mayor ended the regular agenda at 8:08 p.m.

## **VI. Workshop Agenda.**

The Mayor opened the workshop at 8:20 p.m. for the purpose of discussing the FY 2015-16 budget.

Administrator Foutz recapped changes to the Village and Chamber of Commerce budgets made at the last meeting. There was general discussion about the budgets. It was discussed to have a budget workshop August 27.

The Mayor closed the workshop at 8:48 p.m.

**VII. Adjourn.**

*Alderman Coachman made the motion to adjourn. Alderman Williams seconded. The motion to adjourn passed unanimously.*

The Mayor adjourned the meeting at 8:48 p.m.

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Skip Blancett, Mayor

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Mary Ann Ray, Village Secretary

**Village of Salado, Texas**  
**Special Called Meeting**  
**Board of Aldermen**  
Meeting Minutes  
Municipal Building, 301 N. Stagecoach Drive  
6:30 p.m., Thursday, August 27, 2015

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

**Others present:** Kim Foutz, Village Administrator; Leah Hayes, Village Attorney; Mary Ann Ray, Village Secretary.

**I. Call to Order.**

Mayor Blancett called the meeting to order at 6:33 p.m. and led the invocation.

**II. Regular Agenda.**

1. Discussion on the FY 2015-2016 budget.

The Mayor Blancett deferred discussion on the budget to a workshop session following the action items.

2. Discussion and possible action on amending the Wastewater Service Agreement, Donation Agreement, and Deed Agreement with the Sanctuary Development Company.

The Mayor asked Village Attorney Leah Hayes to recount the Village's history with Sanctuary and Administrator Kim Foutz to discuss the differences.

Ms. Hayes explained that the Board of Aldermen considered a Wastewater Service Agreement and Donation Agreement with Sanctuary at its August 17 meeting, contingent on specific language that had been agreed upon in negotiations earlier that day, with the intention of signing the agreement at the August 20 meeting. However, the Mayor could not sign the agreement because the language changes were not made. In addition, no exhibits were submitted, and without the exhibits, no agreement could be signed. Sanctuary now wants to provide the first amendment September 30.

Administrator Foutz noted that it is Sanctuary's responsibility to provide the exhibits, including a survey and appraisal of the land to be donated. The major discrepancies in language revolve around 1) the proportional share on the discharge line and how the costs will be handled, and 2) the gravity line on Royal; this language was completely omitted. She said there were other minor discrepancies as well.

There was discussion about how long it takes to get an appraisal and to do a survey; the consensus was that it would not be likely these actions could be completed in three weeks. Administrator Foutz said that it was possible to remove the appraisal from the agreement, since the land in question is to be a gift and the Village not will be selling it. Administrator Foutz said the appraisal could be done after the fact for Sanctuary's tax write-off purposes.

There was discussion about "good faith" negotiations. Administrator Foutz said Sanctuary has indicated that no more negotiations on language will occur.

*Alderman Coachman made the motion to postpone action regarding the Wastewater Service Agreement, the Donation Agreement, the Deed Agreement, and the Development Agreement with Sanctuary Development Company until September 3, 2015. Alderman McDougal seconded. The motion passed unanimously.*

The Mayor called a recess at 7:14 p.m. with intention of starting workshop in 10 minutes.

The Mayor opened the workshop at 7:24 p.m.

Administrator Foutz explained that all required publishings have been secured and the budget is available for viewing on the Village website and in the City Secretary's office. Alderman Dankert asked the Board to reconsider the donation to the Clearwater Partnership. Cutting the donation from \$15,000 to \$8,000 would have a detrimental effect on the project and could negatively impact any grant funds available to the Village for removing gravel from Salado Creek. It was suggested that the developer of Stagecoach Inn and Restaurant might be interested in making a donation, as the creek area in question in on his property.

There was general discussion about various programs and funds budgeted for each.

The Mayor closed the workshop at 7:47 p.m.

### **III. Adjourn.**

*Alderman McDougal made the motion to adjourn. Alderman Dankert seconded. The Mayor asked everyone to stand to signal adjournment at 7:47 p.m.*

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Skip Blancett, Mayor

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Mary Ann Ray, Village Secretary

Ordinance No. 2015.07  
Village of Salado  
County of Bell  
State of Texas

# **DRAFT ONLY**

## **ORDINANCE NO 2015.07**

**An Ordinance of the Board of Alderman of the Village of Salado, Texas Establishing an Ordinance Relating to “The Intentional Feeding and Management of Deer;” Creating an Offense; Providing a Penalty Clause; Repealing Conflicting Ordinances; Providing a Severability Clause; and Establishing an Effective Date.**

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

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

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

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

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

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

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

### **Section 1.**

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

**Section 2.**

Ordinance 2015.07 of the Code of Ordinances relating to "The Intentional Feeding and Management of Deer" is hereby adopted as detailed in the attached **Exhibit A.**

**Section 3.**

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

**Section 4.**

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

**Section 5.**

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

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

**THE VILLAGE OF SALADO, TEXAS:**

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

ATTEST:

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

## **Exhibit A**

### **INTENTIONAL FEEDING AND MANAGEMENT OF DEER**

#### **1. DEFINITION.**

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

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

#### **2. COMMUNITY EDUCATION.**

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

#### **3. FEEDING OF DEER PROHIBITED.**

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

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

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

#### **4. MANAGEMENT OF DEER ON PRIVATE OR VILLAGE-OWNED PROPERTY**

Any deer harvest inside the Village will only be allowed through the Managed Lands Deer Program. Other management of deer is prohibited in the Village.

#### **5. AFFIRMATIVE DEFENSE.**

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

**6. ENFORCEMENT.**

(A) A person may report a violation of this chapter to the Code Enforcement Department.

(B) The Code Enforcement Department may enforce this Chapter.

**7. PENALTY.**

A person who violates this chapter commits an offense. An offense under this chapter is a Class C misdemeanor punishable by a fine of not less than \$75 or more than \$125 per feeding offense, or a fine not less than \$150 or more than \$300 per management offense.