

December 7, 2023

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

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

Board Members Present: Mayor Michael Coggin, Mayor Pro-tem Rodney Bell, Alderman Paul Cox, Alderman, D. Jasen Graham, Alderman Bert Henry, and Alderman Jason Howard.

Staff Present: Village Administrator Don Ferguson, Assistant Village Administrator Andrea Howard, Police Chief Alan Fields, and Tourism Marketing Manager April Walker-Davis.

The Mayor recognized the players from the Salado High School Varsity Girls volleyball team the accomplishments this year and presented them with Village of Salado Challenge Coins.

1. Citizens Communications

Shay Luedeke, Bell County Tax Office presented a check for \$2,720.65 from the \$1.50 collected from vehicle registrations.

Larry Michels spoke on the Mustang Springs development. He attended the meeting held by Clearwater, and at the civic center manage growth that benefits the community, subdivision ordinances, and groundwater. Stated that the development is not in accordance with the Village ordinances, that the plans were not in compliance, and that there is a lack of transparency.

Linda Reynolds spoke on the Salado Cultural Arts District advisory board and that she has submitted her application to be on that board. She hoped that the new Village Administrator ask for an updated Village boundary map, list of sewer users who joined or and how much they are paying. Stated concerns about the West Side Overlay Task Force not having agendas or minutes. Appreciated the extra time the Aldermen took to find a new Village Administrator.

Debbie Fieber wanted to reiterate what Mr. Michels said.

Jim Boynton spoke on Mustang Springs. Asked the board to work together and support the new Village Administrator.

John Cole, former Alderman, spoke in support of the board and to thank Don Ferguson for his service to the Village.

2. Consent Agenda

A motion to approve the consent agenda was made by Alderman Cox, seconded by Mayor Pro-tem Bell. Alderman Howard asked about item (E), adding Alderman Cox to the signatory on bank account. Alderman Cox and Mayor Pro-tem Bell approved. Alderman Graham, Henry and Howard voted against. The motion failed 3-2.

3. Status Reports

(A) Village Administrator's Report

- 2023 Christmas Stroll

Village Administrator Ferguson gave his report on the first weekend of the 2023 Christmas Stroll. Ferguson stated that overall, things went well. Police officers did close one lane of the bridge for a brief period, with one lane for vehicular traffic and the other for pedestrians. There was an issue with the carriage ride operators who did not diaper the horses causing a mess on main street, that Village Public Works had to go and clean up after. The operator has been told that the horses must be diapered for the second weekend. A thank you to the Salado Elves for the street light decoration, they also redid the roof on the gazebo at the Civic Center and placed lights on it. Mayor Coggin asked that the Elves be recognized at a January meeting.

- Wastewater Treatment Plant Expansion Project

The wastewater treatment plant expansion received four bids ranging from \$889,000-\$983,000. Those bids are in review and should have a recommendation for the board at the December 21 meeting. There is \$1 Million dollars allocated in earmarked funding from the federal government for the project to expand the capacity from 200K to 300K gallons per day.

Miscellaneous items:

The Truck Traffic signs underway on Royal Street and Baines Street. Twelve (12) signs are going up. Phased in enforcement process, starting with warnings for the first week or so, followed by issuing of tickets. Trucks were spotted on the route this week and visited with the contractor about staying off Baines. Giving them a heads up before the enforcement begins.

- IH-35 Annexations

Fairway Golf, Roberston's Hams and Cowboys Bar-b-Que property annexation. Part of the wastewater extension agreement included bring them on to the system now begins the process to annex the properties into the Village.

- West Side Overlay Task Force

Scheduled to meet on Dec 8 to review proposed changes to the West Side Overlay Ordinance and those changes will be presented at the meeting on December 21.

Additional questions/comments:

Mayor Coggin asked about not in compliance with subdivision ordinances. Village Administrator Ferguson stated that the Village is following the development agreements, which vary from the standard ordinances in various areas, which BOA approved. The Village continues to follow policies and procedures. Mayor asked what variances are in the agreements. Village Administrator Ferguson variances relating to cul-de-sacs, road length, drainage, and things along those lines. One of the purposes of a development agreement is to allow and determine flexibility in the development process.

In reference to the water situation, that was reviewed by legal and during the platting process. That is why there is a restriction that no permits will be issued until they have a water system in place that

water system is guaranteed through the groundwater district and the state. They (the developer) will have to have the properly approved system.

Mayor Coggin asked how many public hearings were held on Mustang Springs prior to the agreement. Village Administrator Ferguson stated that there were multiple public discussions on the agreement both at the Planning and Zoning level and Board of Aldermen.

Mayor Coggin asked if the Village completed the necessary legal requirements for public hearings on it? Village Administrator Ferguson responded yes, and it was done side-by-side with legal counsel.

Mayor Coggin then asked if the Board voted to approve the development agreement. Village Administrator Ferguson replied yes.

Mayor Coggin commented on the Salado Elves putting up the Christmas decorations, and after they come down, he would like to recognize them at the mid-January meeting. Village Administrator Ferguson reported that they would like to expand on what they did this year and will be looking for donations for their continued effort.

Alderman Graham asked for the update on Waters Edge. Village Administrator Ferguson said that additional information was requested from them and have received the information, which is now under review and should, hopefully, have a report at the next meeting. Village Administrator Ferguson added that regarding the apartment complex, the water supply corporation apparently has the pieces in place to turn on the new water system that was built for the complex. The last discussion was that they were waiting to get the valve on and will check on that. The water system should be in place, and if everything tests out with that water system, the Village will green-light hot work over there. But, until such time that it is green-lit, there is still no hot construction on-site.

Alderman Henry said the Mayor sent an email response to (inaudible) about Mustang Springs construction plans, saying he did not see the plans. Village Administrator Ferguson stated that they are not part of Phase 1 plans. We have asked them to show both the wastewater location and water plans. They have submitted an updated plan that shows that. They are where they told us they will be. Plans were just received and are not part of phase 1.

Alderman Cox asked if the developer asked to be annexed and was in the development agreement. If they were not annexed, they would not be under Village jurisdiction in the development process. Administrator Ferguson noted that if it was in the ETJ, it is a joint review and that is in the plating process.

(B) Salado Police Department Status Report

- Calls for Service

Chief Fields reported there were 374 calls for service in November.

- License Plate Reader Program Update

49,418 unique plates were read in November. Accessed the system four times for gang member alert, stolen vehicle alert, and twice for stolen property alerts.

- C.H.I.P. Program Update

Found 1 door insecure, continuing assistance with buzzard abatement, and spoke with CHIPS on finding new ways to serve. Instrumental for assistance during the parade and stroll.

Additionally, Chief Fields recognized Officer Charie Blakemore for receiving the Officer of the Year from the Sons of the American Revolution.

Working on the video partnership for citizens with cameras on property and will present at the next meeting.

Mayor asked about 24 service if calling in the middle of the night. Phones will be answered by the officer on duty, unless on a call. In that case the phones will roll over to Bell County dispatch, and relayed to the officer when the service call is complete. There is coverage 24 hours by Salado officers.

- (C) Tourism Department Report
 - Salado Marketing Activities

Tourism Marketing Manager, April Walker Davis, reported on website and app visitors and users.

- Visitor Center Activities

The number of visitors in November was 525. Tourism volunteers were thanked for their service at the Visitor Center and driving the shuttle.

- Upcoming Events

A list of upcoming events was presented.

Alderman Henry asked about social media posts. There were several posts made, along with social stories and reels. Additional posts are scheduled, and a list of posts can be provided.

Alderman Henry also inquired about the shuttle usage and if the shuttle was marked. Assistant Village Administrator assured that it is, including FREE SHUTTLE across it, along with VisitSaladoTexas.com across the top, and the app QR code on the sides.

Alderman Henry asked about Solar Eclipse events within the Village. While the Village is not hosting events, they are aware of businesses hosting events. A small Save-the-Date card was made at the request of the Mayor to give out to promote Salado as a place to stay and see the eclipse.

4. Public Hearing and Consider Action Item

Hold a public hearing and consider approval of the proposed ordinance establishing subdivision inspection procedures.

Mayor Coggin opened the Public Hearing at 7:26 p.m.

Public Comments:

1. Larry Michels wanted to clarify his comment that it does not comply with current ordinances. What is being submitted generally complies with the vast majority of the ordinance. This is a piecemeal. If it's not a complete package, it should not be considered. Feels it's risky.

2. Linda Reynolds said many small villages around Texas do not control their ETJ because it's expensive. Not sure who made the development agreement initially, but the signatures of Mayor and Village Administrator were on dated in January, before public hearings. Feels that the Village got signed into it and is costing more than its worth. People from the ETJ should come in and have a say. County should come in and manage the ETJ. Should stop spending time and money on people who don't want to be in the Village. Should focus on Village citizens not ETJ.
3. Cy Long, Belton address, Salado ETJ, and has property in the Village. Requested that the Mustang Springs construction approval be tabled. He recently had a project with Clear 46.5 acre track, wanted 8-9 wells, and not worry about plats until the test drill was done. Did the testing and provided data to Clearwater and was turned down. If they must do the same process he went through to get shut down, they will get turned down, too.
4. Larry Michels used the rest of his time to say the water regulations Mr. Long spoke about are located in Chapter 230 (Texas Administrative Code, Title 30), and that if it's not in line with the compliance of that code in platting, you cannot approve construction or have a legal plat recorded. Does think it's a great idea on the inspections.

Mayor Coggin called the public meeting to close at 7:35 p.m.

A motion to adopt the ordinance as written was made by Alderman Graham and seconded by Alderman Cox. The motion passed 4-1, with Alderman Howard casting the nay vote.

5. Ordinances

Consider approval of an ordinance prohibiting aggressive panhandling within the corporate limits of Salado.

Assistant Village Administrator, Andrea Howard presented the proposed ordinance.

Alderman Henry asked how many calls the Village has received about panhandling. Village Administrator Ferguson responded with approximately 10. It is a periodic issue, where it will be several months between calls, and then calls pick back up.

Alderman Howard asked about current solicitation ordinance and if this affects that ordinance. Assistant Village Administrator, Andrea Howard read the proposed ordinance's definition of *Solicit, Ask, Beg or Panhandle*. He additionally asked about the Village's relationship with local organizations to assist people in need. Village Administrator Ferguson said the assistance relationships are still in place. He commended Constable Correa for his assistance in finding shelter for those in need.

Motion made by Alderman Henry to accept the first reading of the ordinance as written, seconded by Alderman Cox.

Alderman Henry asked for understanding for those facing a rough patch and we don't know everyone's circumstances. Commended officers for their handling of the situations.

Alderman Graham asked for clarification on the first reading, and that is just approval on the first reading, and will need to be read again at the next meeting to be adopted. Village Administrator Ferguson confirmed this and that the December 21, 2023, meeting would be the second reading.

Alderman Howard reiterated Alderman Henry's request for understanding and compassion. Wanted to be sure that the relationship between the Village and organization was still in place. Has confidence in the PD to follow the ordinance and not have to add language that ensures they go through different types of escalation instead of enforcing what it written.

Mayor Pro-tem Bell asked that the PD look at staff and what training is available to them for managing and dealing with the transient community. Want to be sure they have the training to be compassionate in these situations. Village Administrator Ferguson mentioned that Officer Blackmore is very big on the mental health aspect and there are certain State requirements that must be followed. Officers have information and provide that to individuals.

Motion carried 5-0.

6. Discussion and Possible Action

(A) Discuss and consider action on hiring a new Village Administrator and approving an associated employment agreement and amend the FY 2024 operating budget.

Alderman Graham presented the employment agreement between the Village and Manuel De La Rosa. All parties have agreed to the terms and his employment will begin on January 1, 2024. In addition, will need a motion to increase the FY operating budget to meet the agreed salary of \$150,000.

Motion by Alderman Henry to enter into an employment agreement with Mr. De La Rosa and to amend the FY 2024 operating budget. Seconded by Mayor Pro-tem Bell.

Alderman Graham mentioned that the job description is attached to the agreement that breaks down all of the duties, and very clear not prescribed, but described. He also thanked everyone for working on this.

Alderman Howard asked about the standing ordinance to hire a Village Administrator and if that had to be updated. It is from 2017 and is a standing ordinance.

Motion passed 5-0.

Mayor Coggin introduced Manuel De La Rosa and asked if he would like to say a few words. Mr. De La Rosa expressed his excitement to start and work with board and citizens of Salado.

(B) Discuss and consider action on construction plans for phase 1 of the Mustang Springs Development.

Village Administrator Ferguson said that the construction plans were brought to the last meeting, and were asked to delay approval in order to double check some of the drainage issues and the understanding of the drainage flow on the property. The information has been received from the developer's engineers and has been reviewed by the Village engineer. The plans are in compliance with the Village regulations and the development agreement. It is presented for approval.

Mayor Coggin stated that both the Village Administrator and Village Engineer had recently driven out to the development site the day before the meeting. Village Administrator Ferguson said they had and that one of the Planning and Zoning Commissions recommendations, with agreement from a staff standpoint, was the approval come with the condition that no construction begin until such time as the entire property had been driven to determine if any of the illegal construction had gone beyond the boundaries

of the construction plan set forth for approval. Two hours were spent by the Village Administrator, Village Engineer, Developer's Engineer, and a representative of the developer, driving the property. There were two minor areas of issue. A hall road that was built, and one of the roads went a little further than the development plan showed. They need to show those on the phase 1 plans as in existence and they need to provide the necessary protection as far as storm water flows off the improvements. Since the illegal construction was halted, there has been revegetation. No other issues were discovered.

Developer James Kerby, of Kerby Ventures, spoke about the development and how it came to be in the Village, with comments and history of the project from previous meetings he attended.

Mayor Coggin asked about the water issues that were brought up from public comments. Mr. Kerby said they are going through the proper processes within the rules for their own water system. Water is a challenge and in order to provide the water for this development, they had to make a commitment to go to an aquifer that has the resources.

Mayor Coggin asked about wastewater treatment plant. Mr. Kerby addressed the sewer issues. Phase 1 did not include sewer in the plans. It was designed so that it did not have to have sewer. They began to consider sewer because another partner proposed adding sewer. He offered to have that entity come in and explain the process. The application for sewer has been withdrawn, and they are modifying it to resubmit the plans. It is independent of this development.

Alderman Howard asked about photos he sent to Village Administrator Ferguson from dirt that was moved, and the vegetation was blocking an area where water had flowed to an adjacent property. Village Administrator Ferguson asked the Village Engineer, Thomas Soloman, to address the issue. Mr. Soloman said they found the location that was in the photos and the road comes down to a curve. All the water that comes down that road the developer's representative said they can relocate the pile, and visually it appears to be a blockage, but not an actual blockage. Water appears to go around the pile and back into the natural flow downstream. Village Administrator Ferguson asked Sylvester, the developer's engineer, if a culvert is scheduled to go into that road and he replied yes. Village Administrator Ferguson said that culvert should facilitate the flow of the water, but construction was stopped at this time.

Alderman Howard then said that the stock tanks of the property owner should be filled, and they are not. He also noted that as we enter the wet season, the tanks need to be filled for the property owner's livestock. He asked what is being done to get the water flowing again? Village Administrator Ferguson said that should the construction plans be approved, the developer will go in and build the culvert and remove the spoils piles which should help to facilitate more the water flow, which should help. There is no legal obligation to increase flow onto a piece of property, even if it is historic. Not technically damming a stream, it's a natural flow point.

Alderman Graham asked if the area in question was part of phase 1. Village Administrator Ferguson answered yes. Alderman Graham then asked if it would be fair to prioritize that effort? Mr. Kerby answered absolutely.

Alderman Howard supported Alderman Graham's comment to make it a priority and asked how it can be done. Village Administrator Ferguson said the board has the ability to approve the construction plans with the directions to make that the priority and the first thing to be done and is inspected as such to make sure that happens. Alderman Howard asked Mr. Kerby if that is made a priority, how long would it

take? Mr. Kerby deferred to Mr. Sylvester who said if the contractor is ready to mobilize, it could be done within a week and the pile could be removed. He did not know if the actual culvert could be installed in that time frame, and Mr. Kriby asked if the culvert could be installed within thirty days, and Mr. Sylvester said he believes so. Alderman Howard asked if the culvert is there in thirty days how long would it take to get the rainwater back down to the property? Mr. Sylvester said removing the spoils pile could be done quickly. Alderman Graham asked about the reestablishment of the natural flows, to which Village Administrator Ferguson said with the culvert being in place in thirty days.

Mayor Pro-tem Bell asked if the culvert is in place, will that be the natural flow of the rainwater to the adjacent property? Mr. Kerby said the way it's engineered cannot impede that and Mr. Sylvester can give the technical aspects on how that is engineered. Mayor Pro-tem Bell compared it to insurance and that it be put back to the way it was before it was damaged. Mr. Kerby said as long as it's built according to the plan, it should achieve that.

Mayor Pro-tem Bell asked if they pass the action, can they come back and ask that it be done before they move forward? Village Administrator Ferguson said yes. Alderman Howard said it needs to be corrected, and Alderman Graham said it is a conditional approval. Village Administrator Ferguson said the plan is compliant, and the board can say that before any other work is done, they have to come back and report on the success of that priority before any other construction is done, and the focus is on trying to resolve and restore. After that is done, they would report back to Village staff and then come back and report jointly to the board.

Alderman Henry asked water supply and that the area is currently served by Georgetown CCN (Water Certificate of Convenience and Necessity). He asked where they are in the process in order to get what is needed with Clearwater (Clearwater Underground Water Conservation). Mr. Kriby said they initiated the process with Georgetown, and have through city council review, utility review and submitted the formal utility evaluation request which is analyzed by the city. After that review they will make a ruling on release of the CCN through the Public Utilities Commission. Alderman Henry asked about the timeline, and Mr. Kriby said it would be two to three months.

Mayor Coggin opened the floor for public comments.

Larry Michels said that the Village ordinance stated that permits will not be processed until all the required documents are submitted.

Jim Boynton stated that Georgetown Water is their water district. The closest water line is near Florence on FM 2843. Unless they put in new pumps and system just for this, there is no water line down the street. He said to look in to whether Georgetown can supply the water, which he does not think they can. Mayor Coggin said that they intend to drill wells and do their own water system. Mr. Boynton thought they were trying to get water from Georgetown, and it sounded like they were trying to get water from Georgetown, not that they were trying to separate. He said that he could not hear the entire conversation and did not hear that.

James Bishop would encourage the board to check that into the statement by Mr. Kerby that he does not have business interests in the sewer business. He also asked them why if you have the ability for individual septic, and plats approved without water and septic, why go through the effort for a sewer system that would affect so many people. He does not believe it is necessary.

Alderman Henry made a motion to table this until the rainwater runoff is corrected and if revised plans are coming, wants to see the plans with the proposed water wells are going to be.

Alderman Howard asked to amend the motion to include a timetable of seven days to take the corrective action.

The motion to table was approved by Mayor Pro-tem Bell, and Aldermen Henry and Howard, with Aldermen Cox and Graham voting against. Motion passed 3-2.

Village Administrator Ferguson said that the developer has seven days to accomplish the corrective action, and the plans will be placed on the next agenda for consideration.

(C) Discuss and consider action on the proposed establishment of the Salado Cultural Arts District as a standing advisory board of the Village of Salado.

Assistant Village Administrator Howard discussed the establishment of the Salado Cultural Arts District (SCAD) board and the recognition as a cultural district by the Texas Commission on the Arts. The Village assumed responsibility for SCAD over six years ago and the volunteer board has been working hard over those years to promote arts in Salado. Hotel Occupancy Tax funds are now being allocated for activities, like the grants that were approved by BoA in November. The recommendation is for the board of seven members to serve two-year terms and the members would include a representative from (1) Salado Public Art League, (1) Music Friendly Community, (1) Salado Historical Society (1) Salado Museum and College Park, (1) local art gallery, (1) local artist, and (1) at-large member. The groups and organizations would provide the name of the representative for appointment and applications would be accepted for the at-large appointment.

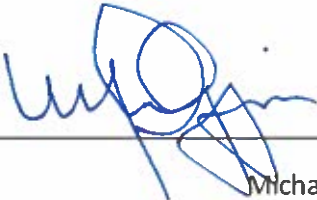
The motion to approve was made by Alderman Cox and seconded by Alderman Graham. The motion passed 5-0.

Mayor Pro-tem Bell motioned to reconsider the consent agenda items, seconded by Alderman Graham. Motion was approved 5-0.

A motion was made by Mayor Pro-tem Bell to approve consent agenda items A-D as presented and seconded by Alderman Henry. The motion passed 5-0.

Adjournment

Mayor Coggin called meeting adjourned at 8:24 p.m.



Michael Coggin, Mayor

ATTEST: 

Andrea Howard, Assistant Village Administrator