



**REGULAR BOARD OF ALDERMEN MEETING**  
**SALADO MUNICIPAL BUILDING**  
**301 N. STAGECOACH - SALADO, TEXAS**  
**DECEMBER 7, 2023 – 6:30 P.M.**

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**THIS WILL BE AN IN-PERSON MEETING THAT WILL ALSO BE AVAILABLE VIRTUALLY USING ZOOM. YOU CAN ACCESS THE MEETING FROM YOUR COMPUTER, TABLET OR SMARTPHONE USING THE FOLLOWING LINK:**

**<https://us02web.zoom.us/j/85257014063?pwd=WVBxNm1CTjhkdXZwbmNVNzlaREY0QT09>**

**MEETING ID: 852 5701 4063**

**PASSWORD: 791470**

**OR YOU CAN DIAL IN TO THE MEETING WITH YOUR PHONE USING ONE OF THE FOLLOWING PHONE NUMBERS AND USING THE MEETING ID AND PASSWORD:**

**1-346-248-7799**

**1-253-215-8782**

**1-669-900-6833**

**1-301-715-8592**

**1-312-626-6799**

**1-929-205-6099**

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**AGENDA**

**CALL TO ORDER**

**DECEMBER 7, 2023, AT 6:30 P.M.**

**CALL OF ROLL**

**ASSISTANT VILLAGE ADMINISTRATOR**

**INVOCATION**

**PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

**RECOGNITION OF SALADO HIGH SCHOOL VARISETY GIRLS VOLLEYBALL TEAM**

**1. CITIZENS COMMUNICATIONS**

*THE BOARD OF ALDERMEN WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN NOT ON THE AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A THREE (3) MINUTE TIME LIMIT WHEN ADDRESSING THE BOARD. COMMENTS FROM SPEAKERS SHOULD NOT BE DIRECTED TOWARDS ANY SPECIFIC MEMBER OF THE BOARD OF ALDERMAN OR VILLAGE STAFF. COMMENTS SHOULD NOT BE ACCUSATORY, DEROGATORY, OR THREATENING IN NATURE. SPEAKERS WILL HAVE ONE (1) OPPORTUNITY TO SPEAK DURING THIS TIME-PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR ALDERMEN CONSIDERATION.*

**2. CONSENT AGENDA**

- (A) APPROVAL OF MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF NOVEMBER 2, 2023.
- (B) APPROVAL OF MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF NOVEMBER 16, 2023.
- (C) APPROVAL OF MINUTES OF THE SPECIAL BOARD OF ALDERMEN MEETING OF NOVEMBER 21, 2023.
- (D) APPROVAL OF MINUTES OF THE SPECIAL BOARD OF ALDERMEN MEETING OF NOVEMBER 28, 2023.
- (E) APPROVAL OF THE DESIGNATION OF ALDERMEN PAUL COX AS A DESIGNATED SIGNATORY ON ALL BANK ACCOUNTS OF THE VILLAGE OF SALADO.

**3. STATUS REPORTS**

- (A) VILLAGE ADMINISTRATOR'S REPORT

- 2023 CHRISTMAS STROLL
- WASTEWATER TREATMENT PLANT EXPANSION PROJECT
- I-35 ANNEXATIONS
- WEST SIDE OVERLAY TASK FORCE

- (B) SALADO POLICE DEPARTMENT STATUS REPORT
- CALLS FOR SERVICE REPORT
  - BELL COUNTY SHERIFF'S DEPARTMENT MUTUAL AIDE
  - LICENSE PLATE READER PROGRAM UPDATE
  - C.H.I.P. PROGRAM UPDATE

- (C) TOURISM DEPARTMENT REPORT
- SALADO MARKETING ACTIVITIES
  - VISITORS CENTER ACTIVITIES
  - UPCOMING EVENTS

**4. PUBLIC HEARING AND CONSIDER ACTION**

HOLD A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS AMENDING THE EXISTING SUBDIVISION ORDINANCE TO ESTABLISH SUBDIVISION INSPECTION PROCEDURES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; RESERVATION OF RIGHTS; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING. *(VILLAGE ADMINISTRATOR)*

**5. ORDINANCES**

CONSIDER APPROVAL OF AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROHIBITING AGGRESSIVE PANHANDLING OR SOLICITATION WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF SALADO, AND PROVIDING FOR THE FOLLOWING: PURPOSE, FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING. *(ASSISTANT VILLAGE ADMINISTRATOR)*

**6. DISCUSSION AND POSSIBLE ACTION**

- (A) DISCUSS AND CONSIDER POSSIBLE ACTION HIRING A NEW VILLAGE ADMINISTRATOR AND APPROVING AN ASSOCIATED EMPLOYMENT AGREEMENT AND AMENDMENT OF THE FY 2024 OPERATING BUDGET. *(ADLDERMAN D. JASEN GRAHAM)*

- (B) DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING THE CONSTRUCTION PLANS FOR PHASE I OF THE MUSTANG SPRINGS DEVELOPMENT. (*VILLAGE ADMINISTRATOR AND VILLAGE ENGINEER SOLOMON THOMAS*)
  
- (C) DISCUSS AND CONSIDER POSSIBLE ACTION ON THE PROPOSED ESTABLISHMENT OF THE SALADO CULTURAL ART DISTRICT BOARD AS A STANDING ADVISORY BOARD OF THE VILLAGE OF SALADO. (*ASSISTANT VILLAGE ADMINISTRATOR ANDREA HOWARD*)

**ADJOURNMENT**

THE BOARD OF ALDERMEN MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

**CERTIFICATION**

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Salado Municipal Building on December 4, 2023, at 5:30 p.m.

  
\_\_\_\_\_  
Don Ferguson, Village Administrator/Acting City Secretary

The Village of Salado is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Don Ferguson, Village Administrator, at 254-947-5060 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call 512-272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

# BOA Agenda Item Form



Date Submitted: December 4, 2023

Agenda Date Requested: December 7, 2023

**Project/Proposal Title:** CONSIDER APPROVAL OF MINUTES OF THE NOVEMNBER 2, 2023, REGULAR MEETING OF THE BOARD OF ALDERMEN

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow board members to consider approval of the minutes of the November 2, 2023, Regular Meeting of the Board of Aldermen.

A copy of the minutes will be provided to board members under separate cover in advance of the meeting for review and consideration.

# BOA Agenda Item Form



Date Submitted: December 4, 2023

Agenda Date Requested: December 7, 2023

**Project/Proposal Title:** CONSIDER APPROVAL OF MINUTES OF THE NOVEMBER 16, 2023, REGULAR MEETING OF THE BOARD OF ALDERMEN

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow board members to consider approval of the minutes of the November 16, 2023, Regular Meeting of the Board of Aldermen.

A copy of the minutes will be provided to board members under separate cover in advance of the meeting for review and consideration.

# BOA Agenda Item Form



Date Submitted: December 4, 2023

Agenda Date Requested: December 7, 2023

**Project/Proposal Title:** CONSIDER APPROVAL OF MINUTES OF THE NOVEMBER 21, 2023, SPECIAL MEETING OF THE BOARD OF ALDERMEN

**Funds Required:**

**Funds Available:**

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow board members to consider approval of the minutes of the November 21, 2023, Special Meeting of the Board of Aldermen.

A copy of the minutes will be provided to board members under separate cover in advance of the meeting for review and consideration.

# BOA Agenda Item Form



Date Submitted: December 4, 2023

Agenda Date Requested: December 7, 2023

**Project/Proposal Title:** CONSIDER APPROVAL OF MINUTES OF THE NOVEMBER 28, 2023, SPECIAL MEETING OF THE BOARD OF ALDERMEN

**Funds Required:**  
**Funds Available:**

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow board members to consider approval of the minutes of the November 28, 2023, Special Meeting of the Board of Aldermen.

A copy of the minutes will be provided to board members under separate cover in advance of the meeting for review and consideration.



# BOA Agenda Item Form



Date Submitted: November 28, 2023

Agenda Date Requested: December 7, 2023

Project/Proposal Title: VILLAGE ADMINISTRATOR'S STATUS REPORT

Council Action Requested:

- Ordinance
- Resolution
- Motion
- Discussion

Project/Proposal Summary:

- 2023 Christmas Stroll
- Wastewater Treatment Plant Expansion Project
- IH-35 Annexations
- West Side Overlay Task Force

# BOA Agenda Item Form



Date Submitted: December 2, 2023

Agenda Date Requested: December 7, 2023

**Project/Proposal Title:** SALADO POLICE  
DEPARTMENT STATUS REPORT

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

- Calls for Service Report
- Bell County Sheriffs Coverage Report
- License Plate Reader Program Update
- C.H.I.P. Program Update

# BOA Agenda Item Form



Date Submitted: November 28, 2023

Agenda Date Requested: December 7, 2023

Project/Proposal Title: TOURISM DEPARTMENT  
STATUS REPORT

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

- Salado Marketing Activities
- Visitors Center Activities
- Upcoming Events

# BOA Agenda Item Form



Date Submitted: November 28, 2023

Agenda Date Requested: December 7, 2023

Project/Proposal Title: CONSIDER ACTION  
DESIGNATING ALDERMAN PAUL COX AS SIGNATORY  
ON THE VILLAGE OF SALADO'S BANK ACCOUNTS

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda by Mayor Michael Coggin to allow board members to take action designating Alderman Paul Cox as a signatory on the Village of Salado's bank accounts. If approved, Alderman Cox would join the Mayor, Mayor Pro-tem, and Alderman Bert Henry as signatories.

Please note Village Administrator Don Ferguson will no longer be a signatory after his retirement on December 31, 2023.

# BOA Agenda Item Form



Date Submitted: December 4, 2023

Agenda Date Requested: December 7, 2023

**Project/Proposal Title:** CONSIDER ACTION REGARDING A PROPOSED ORDINANCE ESTABLISHING SUBDIVISION INSPECTION PROCEDURES

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow board members hold a public hearing and consider approval of a proposed ordinance establishing subdivision inspection procedures.

Currently, the Village does not inspect any street, drainage or other improvements set forth on approved subdivision construction plans until construction on all improvements is complete and ready to be reviewed for acceptance by the Village.

The proposed ordinance would change the inspection requirements and mandate regular inspections during construction of the permitted improvements. This modification will help identify any construction issues earlier in the development process and better ensure compliance with approved construction plans for a subdivision. The cost of the Village's inspections will be included in the permit fees paid by the developer.

Ordinance No. 2023-\_\_  
Village of Salado  
County of Bell  
December 7, 2023

**ORDINANCE NO. \_\_**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS AMENDING THE EXISTING SUBDIVISION ORDINANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; RESERVATION OF RIGHTS; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Board of Aldermen of the Village of Salado seeks to provide for the orderly development of land and use of property within its corporate limits and its extraterritorial jurisdiction; and

**WHEREAS**, the Board of Alderman seeks to maintain the value of the Village’s scenic and natural resources, which are the keystones of the Village’s economic strength and quality of life, through a comprehensive regulatory program that includes a Subdivision Ordinance; and

**WHEREAS**, the Board of Aldermen is authorized to regulate subdivisions within its corporate limits and its extraterritorial jurisdiction by virtue of the Texas Constitution, the Village’s police power, and by the Texas Local Government Code Section 212.003(a); and

**WHEREAS**, the Board of Aldermen retained a professional Planning Consultant to assist in the preparation of a Subdivision Ordinance for the Village and its Extraterritorial Jurisdiction; and

**WHEREAS**, the Board of Aldermen appointed a Steering Committee to assist in the preparation of the Subdivision Ordinance; and

**WHEREAS**, the Mayor and Board of Aldermen called a public meeting to consider certain aspects of the Subdivision Ordinance where public input was received; and

**WHEREAS**, the Board of Aldermen conducted a public hearing and, after all persons were given the opportunity to present testimony, and did consider and subsequently adopt the Subdivision Ordinance based on the testimony and recommendations of the Professional Consultant, Steering Committee, and members of the public; and

**WHEREAS**, the Board of Alderman called a public hearing to consider amendments to certain aspects of the Subdivision Ordinance, and did consider public input at this hearing, and has found that the proposed amendments provide for the orderly development of land and use of property within its corporate limits and its extraterritorial jurisdiction and for the public health, safety, and welfare; and

**WHEREAS**, the intent of this amended Subdivision Ordinance is for it to apply in the

whole of the Village's corporate limits and its extraterritorial jurisdiction;

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

This ordinance is hereby adopted as the Subdivision Ordinance, as amended, and shall read as follows:

**SECTION I. ENACTMENT PROVISIONS**

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as "The Subdivision Ordinance."
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply within the Village limits and its extraterritorial jurisdiction. This Ordinance applies to conduct on public streets, public street rights-of-way, public sidewalks, and public parks.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

**SECTION II. ADOPTION**

Ordinance No. 2031-\_\_ is hereby adopted as follows:

**A. Rules of Interpretation**

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below are given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

**SECTION III. RESERVATION OF RIGHTS**

All rights and remedies of the Village of Salado, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed 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, the same shall not be affected by this Ordinance but may be prosecuted until final

disposition by the courts.

#### **SECTION IV. SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

#### **SECTION V. SEVERABILITY CLAUSE**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Alderman of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

#### **SECTION VI. REPEALER CLAUSE**

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

#### **SECTION VII. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

#### **SECTION VIII. NOTICE AND MEETING CLAUSE**

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 Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

#### **SECTION IX. PUBLICATION**

This Ordinance shall become effective immediately upon the date of its publication as required by § 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.



**PASSED AND APPROVED on SECOND READING this, the \_\_ day of \_\_\_\_, 2023, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) and \_\_\_\_ abstentions vote of the Board of Alderman of the Village of Salado, Texas.**

\_\_\_\_\_  
Michael Coggin, Mayor

ATTEST:

\_\_\_\_\_  
Debbie Bean, Village Secretary

Approved to Form:

\_\_\_\_\_  
Josh Katz, Village Attorney

# Subdivision Ordinance of the Village of Salado, Texas

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# Subdivision Ordinance of the Village of Salado, Texas

## **“I. GENERAL PROVISIONS**

### **Section 1.1: Authority; Extension to Extraterritorial Jurisdiction**

- 1.1 a. This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212, Texas Local Government Code, being adopted after a public hearing on the matter held on December 7, 2023.

...

## **II. PROCEDURES**

### **Section 2.4: Procedures and Submission Requirements for Construction Plat Approval**

...

- (m) Inspections following Construction Plat Approval. Following approval by the Village of a Construction Plat, the Village or its designee will conduct an inspection of the development described in the Construction Plat to ensure that any work performed complies with the Construction Plat as well as any applicable requirements of this Ordinance. The frequency of the inspections will be at the discretion of the Village Administrator. The cost of the inspection will be incorporated into the platting fees paid by the permitted party at the time of subdivision permitting.

...”

# BOA Agenda Item Form



Date Submitted: November 29, 2023

Agenda Date Requested: December 7, 2023

**Project/Proposal Title:** CONSIDER ACTION REGARDING A PROPOSED ORDINANCE PROHIBITING AGGRESSIVE PANHANDLING OR SOLICITATION WITHIN THE CORPORATE LIMITS OF SALADO

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow board members to discuss and consider action regarding a proposed ordinance prohibiting aggressive panhandling or solicitation within the corporate limits of Salado.

In recent weeks, the Village has received complaints about panhandlers asking for money from motorists at intersections on the IH-35 Frontage Road in the Village. Currently, the Village does not regulate such activities.

While federal law prohibits cities from banning panhandling, cities can govern the conduct of a panhandler.

In response to the above-mentioned complaints, the Village staff has drafted a proposed ordinance for consideration that prohibits aggressive begging, panhandling or soliciting that disturbs and disrupts residents and businesses and restricts access to and the enjoyment of public places. In addition, the ordinance prohibits a person from panhandling on private property or residential property without permission from the owner or occupant of that property.

The Village staff recommends approval of the first reading of the proposed ordinance. The ordinance must be approved on two (2) readings for the panhandling regulations to go into effect.

Ordinance No. 2023-\_\_\_\_  
Village of Salado  
County of Bell  
\_\_\_\_, 2023

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROHIBITING AGGRESSIVE PANHANDLING OR SOLICITATION WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF SALADO, AND PROVIDING FOR THE FOLLOWING: PURPOSE, FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, pursuant to Texas Local Government Code § 51.032, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village; and

**WHEREAS**, aggressive begging, panhandling or soliciting within the Village disturbs and disrupts residents and businesses, and contributes not only to the loss of access to and enjoyment of public places, but also to an enhanced sense of fear, intimidation and disorder; and

**WHEREAS**, the solicitation of people in places and situations where it is impossible or difficult for them to exercise their own right to decline to listen or to avoid solicitation from panhandlers, such as motor vehicles, indoor and outdoor dining areas, crowded sidewalks, parking lots and structures, and in the vicinity of an entrance to a residence or a commercial or public facility is abusive, intimidating and potentially dangerous; and

**WHEREAS**, restricting panhandling in such places and situations will provide a balance between the rights of panhandlers and the rights of persons who wish to decline or avoid the panhandling and will help avoid or diminish the threat of violence in such unwarranted and unavoidable confrontations and provide for the safety and security of the commuting public, tourists, and those citizens wishing to use public places and commercial facilities; and

**WHEREAS**, this ordinance is timely and appropriate because current laws and Village regulations are insufficient to address the aforementioned problems, and the proposed restrictions contained herein are neither over broad nor vague and are narrowly tailored to serve a substantial government interest; and

**WHEREAS**, the goal of this ordinance is to protect citizens from fear, harassment, and intimidation accompanying panhandling, which is an unwelcome and dangerous presence in certain parts of the Village; and

**WHEREAS**, it is the intent of the Board to impose reasonable time, place, and manner restrictions on panhandling and solicitation while respecting the constitutional rights of all citizens

to beg, panhandle, or solicit funds, picket, protest or engage in other constitutionally protected activity in a peaceful and non-threatening manner;

**WHEREEAS**, it is deemed in the best interest of the Village for the health, safety and welfare of its citizens that an ordinance be established to prohibit aggressive panhandling or solicitation within the Village; and

**WHEREAS**, the Village finds that the regulations adopted in this ordinance are for the good government, peace, and order of the Village.

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

### **SECTION I. ENACTMENT PROVISIONS**

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Panhandling and Solicitation Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply within the Village limits. This Ordinance applies to conduct on public streets, public street rights-of-way, public sidewalks, public alleyways, public parkways, public boulevards, and private property within the Village.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

### **SECTION II. ADOPTION**

Ordinance No. 2023-\_\_ is hereby adopted as follows:

#### **A. Definitions**

In this section, the following definitions apply:

“*Aggressive manner*,” “*aggressive behavior*” or “*aggressively*” as related to soliciting, begging, and panhandling means:

- (1) Using violent or threatening gestures toward a person solicited, or making a statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive as a threat;
- (2) Using profane or abusive language, either during the solicitation or following a refusal;



- (2) Continuing to solicit from a person, or following a person, after the person has given a negative response to such soliciting;
- (3) Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
- (4) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- (5) Soliciting money from anyone who is waiting in line for tickets, for entry to a building, or for any other purpose;
- (6) Approaching or following a person for solicitation individually or as part of a group of two (2) or more persons, in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be harassed or intimidated into giving money or other thing of value; or
- (7) Soliciting, begging, or panhandling of minors less than 16 years of age.

*Automated Teller Machine* shall mean a device, linked to a bank or financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments which are made available to banking customers.

*Bank* includes a bank, savings bank, savings and loan association, credit union, trust company, or similar financial institution.

*Check Cashing Business* means an entity in the business of cashing checks, drafts, or money orders for consideration.

*Parking Meter* or *Parking Pay Station* means a location on a street, parking lot or parking garage where persons pay for parking by either cash or credit, to a person or at a machine or other device designed to accept payment for parking.

*Private Building* shall be deemed to include, but is not limited to, retail or service establishments, such as restaurants, convenience food stores, laundromats, service stations, hotels, offices, and similar privately owned establishments open to the public. This term does not include any building owned, leased, or operated by the federal or state government, political subdivisions thereof, municipalities, special districts, any public administration board or authority of the state.

*Public Place* shall mean a place to which a governmental entity has title and to which the public has access, including, but not limited to: Any street, highway, sidewalk, walkway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

*Public Area* means an area to which the public has access and includes, but is not limited to, the common area of a hospital, apartment house, office building, transport facility, shop, basement, building entrance or doorway, lobby, hallway, stairway, mezzanine, elevator, foyer,

public restroom or sitting room or any other place used in common by the public, tenants, occupants or guests situated in any private building.

*Solicit, Ask, Beg, or Panhandle* means to request, by the spoken, written, or printed word, or by other means of communication, an immediate donation or transfer of money or another thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, and regardless of whether consideration is offered.

**B. A person commits an offense if the person solicits, asks, begs, or panhandles:**

- (1) In an aggressive manner in a Public Area or Public Place; or
- (2) In a manner that impedes the operation of a public roadway or sidewalk; or
- (3) Between the hours of one-half (1/2) hour before sunset and 8:00 a.m. the following morning; or
- (2) Within twenty (20) feet of the following areas where the public is considered vulnerable or where solicitation would interfere with the flow of pedestrian or motor vehicle traffic:
  - a. An Automated Teller Machine;
  - b. The entrance or exit of a Bank;
  - d. The entrance or exit of a Check Cashing Business;
  - e. An authorized charitable contribution activity;
  - f. A Parking Meter or Parking Pay Station on a street;
  - g. A public parking garage or parking lot pay station;
  - h. The entrance or exit of a restaurant or the service area of an outdoor eating establishment;
  - i. In a bus, at a bus station or stop, or at a facility operated by a transportation authority for passengers including but not limited to any school bus stop;
  - j. A marked crosswalk; or
  - k. An entrance of a commercial or government building; or
- (4) Within fifty (50) feet from any land owned by a public or private school and used in whole or in part for providing education services to elementary age children; or
- (5) Within 10 feet of a gas station, liquor store, or convenience store property; or
- (6) In a public restroom; or
- (7) At a public event that is operating by permit issued by the Village at Village parks.

**C. Private Property.**

No person may solicit, ask, beg or panhandle on private property or residential property without permission from the owner or occupant of that property.

**D. Distances.**

For purposes of subsection (b) in this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest point at which an unlawful act is conducted to the nearest portion to the items listed in subsection (b).

#### **E. Enforcement.**

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 a suit for injunctive relief as well as potential prosecution for criminal violations. Any person who engages in any activity specified in subsection (b), may be subject to prosecution for a Class C misdemeanor and a fine not to exceed \$500.

### **SECTION III. RESERVATION OF RIGHTS**

All rights and remedies of the Village of Salado, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed 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, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### **SECTION IV. SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

### **SECTION V. SEVERABILITY CLAUSE**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Alderman of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

### **SECTION VI. REPEALER CLAUSE**

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the

provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

**SECTION VII. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION VIII. NOTICE AND MEETING CLAUSE**

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 Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION IX. PUBLICATION**

This Ordinance shall become effective immediately upon the date of its publication as required by § 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

**PASSED AND APPROVED on FIRST READING this, the \_\_ day of \_\_\_\_, 2023, by a vote of \_\_\_\_(ayes) to \_\_\_\_(nays) and \_\_ abstentions vote of the Board of Aldermen of the Village of Salado, Texas.**

**PASSED AND APPROVED on SECOND AND FINAL READING this, the \_\_ day of \_\_\_\_, 2023, by a vote of \_\_\_\_(ayes) to \_\_\_\_(nays) and \_\_ abstentions vote of the Board of Aldermen of the Village of Salado, Texas.**

\_\_\_\_\_  
Michael Coggin, Mayor

ATTEST:

\_\_\_\_\_  
Debbie Bean, Village Secretary

Approved to Form:

\_\_\_\_\_  
Josh Katz, Village Attorney

# BOA Agenda Item Form



Date Submitted: December 2, 2023

Agenda Date Requested: December 7, 2023

**Project/Proposal Title:** CONSIDER ACTION HIRING A NEW VILLAGE ADMINISTRATOR AND APPROVAL OF A RELATED EMPLOYMENT AGREEMENT AND AMENDMENT TO THE FY 2024 OPERATING BUDGET

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow board members to discuss and consider action hiring a new Village Administrator and approval of a related employment agreement and amendment to the FY 2024 Operating Budget.

A briefing on this item will be provided to board members under separate cover in advance of the board meeting for review and consideration.

# BOA Agenda Item Form



Date Submitted: December 4, 2023

Agenda Date Requested: December 7, 2023

**Project/Proposal Title:** CONSIDER ACTION REGARDING PROPOSED CONSTRUCTION PLANS FOR PHASE I OF THE MUSTANG SPRINGS DEVELOPMENT

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow board members to discuss and consider action regarding the proposed construction plans for Phase I of the Mustang Springs development off FM 2843.

As you are aware, the Village staff recently issued a stop work order after significant unpermitted construction was discovered on the Mustang Springs site. This work was being done while the Village was in the process of reviewing the Phase I construction plans.

That said, the Village Engineer has completed his review of the proposed construction plans and found them to be in compliance with the Village's Subdivision Code and the terms of the approved Mustang Springs Development Agreement. A PDF copy of the construction plans is attached.

On November 16<sup>th</sup>, board members delayed action on the proposed construction plans to allow the Village Engineer to verify some drainage information in the plans. The Village Engineer has obtained the additional information requested from the developer and recommends approval of the construction plans for Mustang Springs Phase I with the condition that construction not be allowed to resume until Village staff and the developer have toured the site to identify any previously completed work that is not reflected on the construction plans. The developer will be required to resolve any concerns that may exist with any such work found.

It is important to note that if construction plans for a development are determined to be compliant by the Village Engineer, and no variances are needed, the Village must approve the plans. That is the case with Mustang Springs Phase I construction plans.

# BOA Agenda Item Form



Date Submitted: December 4, 2023

Agenda Date Requested: December 7, 2023

**Project/Proposal Title:** CONSIDER ACTION REGARDING A PROPOSAL TO ESTABLISH THE SALADO CULTURAL ARTS DISTRICT BOARD AS A STANDING ADVISORY BOARD OF THE VILLAGE

**Council Action Requested:**

- Ordinance
- Resolution
- Motion
- Discussion

**Project/Proposal Summary:**

This item was placed on the agenda to allow board members to discuss and consider action regarding a proposal to establish the Salado Cultural Arts District ("SCAD") Board as a standing advisory board of the Village of Salado.

Approximately six (6) years ago, the Village of Salado assumed responsibility for the Salado Cultural Arts District when the Texas Commission for the Arts designated the SCAD as an official Texas Cultural District. At the time, the decision was made to allow the District's volunteer governing board to exist until such time as the Village was in a position to start regularly allocating funds for District activities.

With hotel occupancy tax funds now being allocated for District activities, there is a need to establish the SCAD Board as a standing advisory committee of the Village.

Village staff is recommending the board consist of seven (7) members, appointed by the Board of Aldermen, who would serve two-year terms. The SCAD Board membership would consist of one (1) Salado Public Art League representative, one (1) representative of the local art galleries, one (1) Music Friendly Community Advisory Board representative, one (1) Salado Historical Society representative, one (1) Salado Museum and College Hill representative and two (2) at-large members. The represented groups and organizations would be responsible for providing names of their representatives for appointment and while applications would be accepted from the public for the at-large appointments.