

Village of Salado, Texas
Board of Aldermen
Minutes
Regular & Workshop Meeting
6:00 p.m. Thursday, February 16, 2017
Municipal Building, 301 N. Stagecoach Road
Salado, Texas

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

Absent: Alderman Amber Preston Dankert (arrived during Executive Session)

Others Present: Chrissy Lee, Building & Permitting; Judy King, City Secretary; Josh Tulloch, Police Department; Linda Sjorgen, Village Attorney

1. **Call to Order.**

- a. The Mayor called the meeting to order at 6:05 p.m.
- b. The Mayor led the Pledge of Allegiance and the Texas Pledge of Allegiance.

2. **Proclamations/Special Recognition.**

None.

3. **Public Comments.**

None.

4. **Consent Agenda.**

Consider approving the Consent Agenda items:

- a. Minutes, February 2, 2017 Regular Meeting.

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

Mayor Skip Blancett changed order of Agenda to enter Workshop Session before Regular Session.

5. **(Originally Item 6 on the posted Agenda) Workshop Session.**

- a. Susan Terry, President of the Bluff Circle Community, presented a proposal to convey the street, Bluff Circle, to the Village with the addition of \$10,000. Mrs. Terry was accompanied by two Bluff Circle Community Board members, Jim Sewell and Mike Cooper. There is currently a debt owed to Bell County from the Bluff Circle Community that will be forgiven if the Village takes ownership of the road. Currently, an estimated \$26,000 in repairs needs to be done to Bluff Circle. The Mill Creek Golf Course owners are unwilling to assume responsibility for this road even though it is commonly used by golf carts and golfers for passage. Alderman Williams suggested doing more research before accepting a road that is in disrepair into Village ownership.
- b. Denver Mills, President of the Pace Park Board of Directors, reported that the by-laws for the Pace Park Board had been amended to allow the BOA to grant variances for alcohol sales or consumption on a case by case basis. The Pace Park Board desires to continue the lease agreement with the Village of Salado for use, maintenance and management of Pace Park.
- c. Alderman Williams reported that a smooth draft of the Environmental Ordinance was submitted to Zara Environmental for inclusion in the study being prepared for the Wastewater Project. The Ordinance will continue to be refined before it is presented to the BOA for review and passage.
- d. The Zara Environmental Group completed their work for the study on 2/13/2017. It will be submitted to the appropriate authorities by week's end.
- e. Chrissy Lee reported that applications were still needed for review for the P & Z Commission places that will be vacated 2/28/2017. Mrs. Lee was instructed to run another ad for applications in the Village Voice.
- f. Judy King gave an update on the May 6, 2017 Election. She reported that the deadline for filing an application for a place on the ballot is February 17, 2017 at 5 p.m. The applications that were already filed and approved included: David T. Williams, Linda Reynolds, Michael McDougal and Andy Jackson.
- g. Mayor Blancett reported that an Interim Village Administrator will not be hired for the short term. Three finalists for a permanent hire for Village Administrator, William Lewis (Arkansas), Don Ferguson (Wimberley) and Dennis Baldwin (Killeen) will be interviewed on February 23, 2017. David Miller, former Interim Administrator, has agreed to come back to assist with the interview process to insure the best fit for Salado. The field will be narrowed on that day and a hire will be made shortly thereafter.

Mayor Blancett addressed Chrissy Lee regarding the order of the Agenda for the remainder of the meeting. He expressed a desire to exercise the right to convene into Executive Session to consult with our Attorney regarding Items a. and b., Consideration of a petition to disannex and possible Calling of a Special Election. Mrs. Lee suggested doing the business presented in Items c. and d. before convening into Executive Session.

Mayor Blancett proceeded with this suggestion and continued with Item c. in Regular Session.

6. (Originally Item 5 on the posted Agenda) Regular Session

- C. Consideration and approval of Ordinance 2017.02 calling for a General Election to be held within the Village of Salado on May 6, 2017 to elect three positions for Aldermen.

Alderman Coachman made a motion to approve Ordinance 2017.02 calling for a General Election on May 6, 2017 to elect three positions for the Board of Aldermen. Mayor Pro-Tem Brown seconded. Motion passed unanimously.

- d. Ms. Lee presented the proposal for the required rental of a temporary tank used to prepare for the repairs on the Stagecoach Sewer Plant. The overall cost of the project cannot be assessed until the tank is emptied into the temporary tank and the damage assessed. The first phase of this necessary assessment phase is estimated to cost \$31,358.

Alderman Coachman made motion to approve the rental of a temporary tank to be used to prepare for the repairs on the Stagecoach Sewer Plant. Mayor Pro-Tem Brown seconded. Motion passed unanimously.

Mayor Blancett reviewed the items remaining on the Regular Session Agenda by reading items a. and b.

- a. Discussion and consideration of a petition to disannex a portion of Salado defined by metes and bounds was filed with the Mayor on February 9, 2017 and determination of sufficiency of petition.
- b. Consideration and approval of Ordinance 2017.01 calling for a Special Election to be held within the Village of Salado on May 6, 2017 to determine whether the area described by metes and bounds in a petition filed with the Mayor on February 9, 2017 should be declared no longer part of the Village of Salado.

Mayor Skip Blancett called for the BOA to convene into Executive Session as authorized by Texas Government Code Sections 551.071, Consultation with Attorney, before proceeding to the Items a. and b. on the Regular Session Agenda.

Tim Fleischer, Editor of the Village Voice, rose in opposition of the BOA going into Executive Session to consult with the Attorney. He asserted that the Public Information Act did not allow for consultation with the Attorney unless there is current or pending litigation.

Linda Sjorgen, Village Attorney, responded to Mr. Fleischer, reminding him that Executive Session is allowed to review legal matters that include confidential, Attorney-Client information.

Mr. Fleischer repeated his stance and requested that it be "on the record" as a member of the Press.

Mayor Pro-Tem Brown voiced his approval of ordering the Special Election necessitated by the petition filed. Mayor Blancett agreed and proceeded in Open Session.

Alderman Coachman asserted that the Aldermen have not had a chance to hear the professional decisions surmised by the Engineers who reviewed the metes and bounds presented in the petition. The purpose of the Executive Session was for the Attorney to review those findings with the BOA to allow them to make a most informed decision before voting on the validity of the petition.

Attorney Sjorgen presented the report from the Village Engineer that called into the question the metes and bounds presented by the petition. The findings indicate that the metes and bounds were drawn together by the use of many varied documents. When those metes and bounds were plotted, the metes and bounds do not close completely in several areas. This could be cause to legally invalidate the petition because metes and bounds must close completely according to the description provided by the petitioners. The only way to definitely make a decision is to have a surveyor complete a survey of the metes and bounds provided. The last day to call an Election is tomorrow. If the BOA doesn't call the election, they could be sued. It's a Catch 22. Should this measure pass, the metes and bounds would have to be clearly defined by using a surveyor to determine an area that is fully closed.

Alderman Williams suggested that the petition was not presented with clearly defined metes and bounds. Therefore, it should not be considered a valid petition. The responsibility of presenting complete and accurate information is on the petitioners. Currently, if the measure is placed on the ballot and passes, the cost of surveying the stated area to provide required documentation to disannex would fall to the Village of Salado to absorb.

Attorney Sjorgen stated that there would likely be a lawsuit if the election wasn't called. However, she reiterated that the petition was presented in error because the metes and bounds are not closed.

Mayor Blancett recapped the discussion. He called for a motion to be placed on the floor.

Mayor Pro-Tem Brown made a motion to approve Ordinance 2017.01 calling for a Special Election to be held within the Village of Salado on May 6, 2017 to determine whether the area described by metes and bounds in a petition filed with the Mayor on February 9, 2017 should be declared no longer part of the Village of Salado. Alderman McDougal seconded. The vote passed 3-1. Aldermen Brown, McDougal, and Coachmen voted Yay. Alderman Williams voted Nay. Alderman Dankert was absent.

Mayor Blancett called for an Executive Session according to Local Government Code 551.074, Personnel Matters, to discuss the position of Village Administrator at 7:26 p.m.

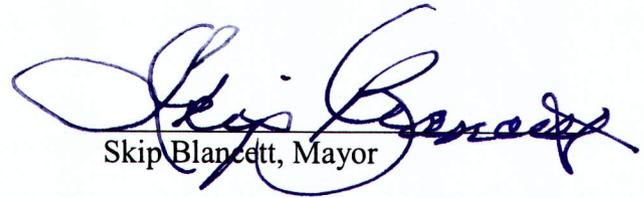
7. Executive Session

Alderman Dankert joined the Executive Session at 8:04 p.m.

Board of Aldermen reconvened into Regular Session at 8:36 p.m.

8. Adjourn

Mayor Pro-Tem Brown made a motion to adjourn at 8:38 p.m. Alderman Coachman seconded. Motion passed unanimously.



Skip Blancett, Mayor

ATTEST:



Judy King, Village Secretary