

**Village of Salado  
Salado Municipal Building  
301 North Stagecoach Road  
Salado, Texas  
Minutes of Regular Meeting of Board of Aldermen  
June 21, 2018 at 6:30 p.m.**

The Board of Aldermen meeting was called to order at 6:30 p.m. by Mayor Skip Blancett.

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

Board Members Present: Mayor Skip Blancett, Mayor Pro-tem Fred Brown, Aldermen Andy Jackson, Michael Coggin, Frank Coachman, and Michael McDougal.

Staff Present: Village Administrator Don Ferguson and City Secretary Cara McPartland

### **Citizens Communications**

Forrest Mullins of 9664 Hodge Canyon Drive read a letter (*full text attached to these minutes*), with some additional paraphrasing and examples raising concerns with the proposed mobile food vehicle ordinance on tonight's agenda.

#### **1. Consent Agenda**

- A. Approval of minutes of the Regular Board of Aldermen meeting of June 7, 2018.
- B. Approval of minutes of the Special Board of Aldermen meeting of May 29, 2018.
- C. Approval of minutes of the Special Board of Aldermen meeting of May 17, 2018.
- D. Approval of the May 2018 Financial Statements for the Village of Salado.

Alderman McDougal moved to approve the Consent Agenda, as presented. Alderman Coachman seconded. Motion carried on a vote of 5-0.

#### **2. Status Reports**

- Status Report on the Salado Wastewater Project

Village Administrator Ferguson reported that collection system crews have completed installation of sewer main and service laterals on Royal Street, Church Street, Blacksmith Road, and North Stagecoach Road. Construction is currently progressing along the west side of Main Street. He said crews have been slowed by utility conflicts and delays in delivery of lift station equipment. Foundation and channel work continues on the side of the wastewater treatment plant. A photo was displayed of significant progress made at the treatment plant site. He anticipated treatment plant completion on schedule in mid-January 2019, with the collection system to be completed in early to mid-March. He advised of meetings to be held with affected property owners on June 25-26, 2018 at 6 p.m. at the Municipal Building. He noted the second public hearing on impact fees

is scheduled for July 5, 2018 at 6:30 p.m. at the Municipal Building. A preliminary cost estimate of \$860,000 was projected for Royal Street reconstruction and improvements, including putting down a new base and a new asphalt overlay. He spoke of prioritizing and phasing of Royal Street improvements.

- Status Report on the proposed Salado Airport Development Project

Village Administrator Ferguson reported a request has been submitted to TxDOT Aviation Division for a feasibility study to determine if the project qualifies to be placed on the State Aviation Plan, which is critical should grant funding be sought for the project. He provided details on the development project, including location, air/taxi strips, hangar space, and public/private partnership to operate and maintain the airport facilities.

- Status Report on the Stagecoach Inn Redevelopment Project

Village Administrator Ferguson reported on a recent meeting to discuss compliance issues with the current development agreement and need to amend the existing master development agreement. He said Stagecoach representatives are amenable to agreement content updates with a similar framework and hoped to bring an amended agreement to the Board for consideration in the next few weeks. He noted meeting points of discussion to include room opening schedule; conversion of the former Sugar Shack location to a guest check-in lobby; valet parking only for hotel guests; routing of all Stagecoach entrance traffic from Main Street; creekside access to remain public via an access easement; and possible donation of a site for public restrooms with the stipulation that Stagecoach employees will be responsible for maintenance.

- Status Report on the possible development of regulations relating to yard parking and the parking of recreational vehicles (RVs) and boats on residential properties in Salado

Village Administrator Ferguson reported on the Planning and Zoning Commission's discussion of this issue at its June 12<sup>th</sup> meeting. He advised that the Commission did not favor yard parking regulation, but discussed the possible regulation of RV parking by requiring a conditional use permit (CUP) that would engage the neighbors through the public hearing/notice process. He anticipated bringing a draft ordinance to the Planning and Zoning Commission at its July 26, 2018 meeting. He noted the Commission was less concerned with boats and utility trailers than RV issues due to existing State laws.

- Status Report on sales tax collections for the Village of Salado

Village Administrator Ferguson reported that the Village's May check, representing April collections, totaled \$32,787.79, up 12 percent from the same period last year. He noted this is the largest May check in the Village's history, with year-to-date collections running well ahead of budget.

- Status Report on the resolution of the Holiday Inn Express Hotel Occupancy Tax dispute

Village Administrator Ferguson reported that the Holiday Inn Express owner called to advise he is willing to pay his late fees in full and will be sending full payment shortly.

In addition, Village Administrator Ferguson reported that the groundwater district implemented Stage I (voluntary conservation) of its drought management plan. He said long-term forecasts indicate a lack of sufficient rainfall will likely trigger more water use restrictions and increase wildfire risk.

### 3. Presentation

Presentation regarding the Governor's Community Achievement Award recently presented to Keep Salado Beautiful and the Village of Salado by Keep Texas Beautiful. (*Susan Terry, Keep Salado Beautiful President*)

Susan Terry introduced some of her fellow Keep Salado Beautiful (KSB) Board members and displayed the plaque that was presented to her organization, which received a \$90,000 grant award. She spoke of meetings with Village Administrator Ferguson and TxDOT on landscaping plans, including improvements at the gateway signs and the Salado Plaza/Main Street area. She thanked Melissa Paxton for her design of KSB's display board which garnered much praise for generating interest in Salado. Mayor Blancett thanked Susan Terry and KSB for their contributions to the Village of Salado and Keep Texas Beautiful. Village Administrator Ferguson complimented KSB on having the best display board at the conference. He noted that Salado was recognized on several occasions at the Governor's Community Achievement Awards Banquet for its high level of performance.

Mayor Blancett commented on growth in Salado and ordinances as a means to control growth and that help make Salado the best and most unique village in Texas.

### 4. Ordinances

- A. Consider approval of the second and final reading of an ordinance of the Village of Salado, Texas, regulating the operation of mobile food vehicles in the Village of Salado; requiring a permit; providing for the following: findings of fact, severability, penalties; repealer, an effective date, and proper notice and meeting. (*Village Administrator*)

Village Administrator Ferguson provided an overview of current regulations as compared to the draft ordinance and highlighted key provisions that enhance public health, safety, and welfare, require restroom access, insurance coverage, and significantly reduce the permit fee. He noted language that was added to the draft ordinance in accordance with the Board's direction at its June 7<sup>th</sup> meeting pertaining to documentation of sales tax collection and reporting. He advised the Board has the ability to change the draft ordinance provisions as it seeks to address concerns raised about the proposed ordinance.

Discussion among the Board, staff, and the audience addressed concerns regarding public restroom access, the handwashing station requirement (versus providing hand sanitizer); impact to specific mobile food vendors; enforcement by the Salado Police Department; and obligation of the Village

to protect public health, safety, and welfare within its corporate limits. Alderman Coachman suggested the following change to Section 4(b)(7): “If located at one (1) property for more than ~~two (2)~~ *four (4) hours*, a written agreement from a business owner within ~~one hundred fifty (150) three hundred (300) feet~~ allowing employees of the Mobile Food Vehicle to have use of flushable restrooms (or other facilities as approved by the Village Administrator) during hours of operation.” He also recommended removing the hand washing station requirement and requiring making hand sanitizer available as an alternative. Mayor Pro-tem Brown questioned whether the proposed ordinance is too onerous, which might discourage vendors from staying in or coming to Salado, to the detriment of the community.

Salado Winery owner June Ritterbusch of 841 North Main St expressed anxiety regarding her annual wine festival and its dependency on having food trucks to ensure a successful event. She said she is very discriminating about which food trucks to allow. She felt the proposed ordinance needs to be “trimmed back” and questioned the requirements for a Bell County Health Department permit (as opposed to Williamson County or other counties). She also questioned the requirement for property owner permission for food truck employee access to bathrooms with flushable toilets within 150 feet of the food truck. She felt that the distance requirement would make it difficult when positioning food trucks on her property. She spoke of current arrangements with Silvia’s food truck regarding access to restrooms and problematic aspects of draft ordinance’s enforcement, including possible differences in operating hours between the food truck and property owner’s businesses.

Discussion included possible revision or removal of distance requirements for restroom facilities; adequate parking for food trucks; business hours of the property owner that may differ from the business hours of the food truck; differentiation from food trucks that provide a dining area with tables/chair from those that are strictly take-out; possible formation of a “food truck” committee to further study this issue; allowance of restroom use by subject property owner or adjacent property owners; and possible provision of public restrooms in the future and associated funding options.

Mayor Blancett invited public comment.

Previous speaker and Potato Wagon owner Forrest Mullins (*see Citizens Communications*) and his wife commented on tables and chairs being viewed as welcoming and cited them as a factor in their recent first place presentation award at a food truck competition in Killeen. Discussion clarified that the proposed ordinance simply requires that a diagram be provided showing the location of tables/chairs for on-site dining.

Mayor Blancett entertained a motion. Alderman Coachman moved to approve the ordinance, with the following amendments to Section 4(b)(7): “If located at one (1) property for more than ~~two (2)~~ *four (4) hours*, a written agreement from a business owner ~~one hundred fifty (150) of the property where the Mobile Food Vehicle is located~~ allowing employees of the Mobile Food Vehicle to have use of flushable restrooms (or other facilities as approved by the Village Administrator) during hours of operation.” Alderman Coachman also moved to amend Section 5 (21) as follows: “~~Handwashing facilities shall be provided and include an insulated container with a spigot that can be turned on to allow potable, clean, free flowing warm water; a wastewater~~

~~container, soap, disposable towels, and a waste receptacle. The handwashing facility must be conveniently located within 15 feet of the Mobile Food Vehicle. Handwashing facilities are not required if the only food items offered are commercially pre packaged foods that are dispensed in their original containers. Hand sanitizer shall be made available for public use.”~~ Alderman Jackson seconded.

Mayor Pro-tem Brown did not favor the proposed ordinance and expressed concerns that it may discourage mobile food vendors from coming to Salado. Brief discussion clarified reasoning for the amendment from two (2) to four (4) hours in Section 4(b)(7). Alderman Coggin expressed similar concerns and felt that more public input is needed, including possible formation of a committee to work with staff, in order to make the ordinance more user-friendly.

Alderman Coachman restated his motion on approval of the aforementioned amendments to the ordinance. Alderman Jackson seconded. Motion carried on a vote of 3-2, with Mayor Pro-tem Brown and Alderman Coggin voting against.

Mayor Blancett entertained a motion on the ordinance, as presented, including the previously approved amendments.

Alderman Coachman moved to approve the ordinance on second and final reading, as presented, which includes the amendments, as previously approved. Alderman McDougal seconded. Motion carried on a vote of 3-2, with Mayor Pro-tem Brown and Alderman Coggin voting against.

- B. Consider approval of the second and final reading of an ordinance of the Village of Salado, Texas, regulating the keeping of chickens in the Village of Salado; requiring a permit, providing for the following: findings of fact, severability, penalties; repealer, an effective date, and proper notice and meeting. (*Village Administrator*)

Village Administrator Ferguson noted receipt of citizen complaints regarding chickens. He reviewed certain ordinance provisions, including requiring a permit (\$25 annual permit fee), prohibition of roosters and roaming chickens, number of chickens allowed, shelters/pens, and distance requirements to adjacent properties.

Alderman McDougal moved to approve the ordinance on second and final reading, as presented. Alderman Coachman seconded. Motion carried on a vote of 5-0.

## **5. Discuss and Consider Action**

- A. Discuss and consider possible action appointing two (2) members to the Planning and Zoning Commission. (*Village Administrator*)

Village Administrator Ferguson advised of the need to appoint two (2) members to the Planning and Zoning Commission. He noted that K.D. Hill and Larry Roberson, whose terms have expired, have expressed interest in being reappointed.

Mayor Pro-tem Brown moved to reappoint K.D. Hill and Larry Roberson to the Planning and Zoning Commission. Alderman McDougal seconded. Motion carried on a vote of 5-0.

- B. Discuss and consider possible action regarding Contract Amendment No. 3 with McLean Construction relating to construction of the Salado Wastewater Collection System. (*Village Administrator*)

Village Administrator Ferguson explained the recent removal of thick vegetation during collection system construction that exposed a pre-existing steep embankment near the edge of the pavement on the south side of Royal Street. He advised that the contract amendment reflects an additional cost of \$6,475 for the installation of 175 feet of guard rail in the subject area to increase public safety. He noted the additional costs will be paid from project proceeds and that funds are available. Discussion addressed the types of expenditures that bond proceeds may be used for and specifics on guard rail design, materials, and construction.

Alderman Jackson moved to approve Contract Amendment No. 3 with McLean Construction relating to construction of the Salado Wastewater Collection System, as presented. Alderman Coachman seconded. Motion carried on a vote of 5-0.

- C. Discuss and consider possible action approving plans for *Salado Rocks* on Saturday, July 28, 2018 at Pace Park. (*Village Administrator*)

Salado Village Voice Editor and Pace Park Advisory Board member Tim Fleischer of 912 Cedar Park Circle provided history on past use of the Park for community events. He spoke of the statewide popularity of this event, which includes rock-painting by local children, with the painted rocks to be hidden at different locations in Salado. He proposed holding the event on Saturday, July 28<sup>th</sup> beginning at around 9 a.m. and asked that tables and chairs be provided by the Village, along with pavilion rental, at no cost. He noted that the Salado Village Voice is to provide the paint, food, and other items needed for the event. He hoped that this will become an annual event.

Alderman McDougal moved to approve the plans for *Salado Rocks* on Saturday, July 28, 2018 at Pace Park, at no charge as the event serves a public purpose. Alderman Jackson seconded. Motion carried on a vote of 5-0.

## 6. Workshop

- A. Discuss and consider issues relating to the establishment of monthly service rates for the Salado Wastewater Treatment Plant. (*Village Administrator*)

Village Administrator Ferguson emphasized that this item is related to service rates, not impact fees, and stressed that this is a preliminary report being presented tonight by Grady Reed of HDR Engineering.

Mr. Reed provided a presentation on the following:

- Assumptions

- Initial demand (number/types of connections)
- Growth
- System expenses
- Revenue Requirements (approximately \$1,000,000 per year)
- Revenue sources
  - Impact fees (can be used for capital expenses and debt service)
  - Operating revenues from system rates
  - Transfers in from General Fund (property taxes)
- Long-term goal for system to be supported by operating revenues and impact fees
- Rate summary
  - Methods of calculating demand charge and wastewater volume rate for high/low impact residential and non-residential users
  - Sample bills for average residential/commercial users (high and low impact)
- Reserves Summary
  - Recommendation for at least three (3) months of non-restricted cash on hand in Wastewater Fund

Discussion addressed balancing different sources of revenue to cover system operations; annual averaging; efforts to keep rates unchanged for the first few years after implementation; and possible scheduling of a workshop focusing solely on service rates.

Mayor Pro-tem Brown said he did not favor charging initial customers an impact fee because they have been asked to decommission their old systems and connect to the new system. He felt that new development should have to pay an impact fee.

Discussion continued on different time periods used for rate modeling and growth projections.

Mayor Blancett thanked Mr. Reed for his presentation.

- B. Discuss and consider issues relating to a proposal to establish age and license requirements for the operators of golf carts on public streets within the corporate limits of the Village of Salado. (*Mayor Skip Blancett*)

In the interest of fairness and room for compromise, Mayor Blancett spoke on differing viewpoints relating to the need for an ordinance with specific age and license requirements.

Village Administrator Ferguson said it is important to adopt ordinances that are enforceable and expressed concerns that there could be probable cause issues associated with stopping golf carts based on the age of the driver. He also brought up difficulties related to stopping and detaining juveniles when there is typically only one officer on duty.

Discussion included probable cause for stops related to traffic offenses versus age of driver; enforcement procedures pertinent to juveniles; local authority of municipalities to regulate golf carts; and general support for option to leave current regulations in place.

Mayor Blancett felt that this issue warrants further thought and discussion and favored listening to constituents on this subject. He spoke of the Village’s responsibility to provide for public health and safety and did not want to close the door on future discussion. He encouraged the public to let the Board know of its feelings and stated the Board’s commitment to serving the community knowing that such public service is out of caring for Salado and not for any sort of compensation.

- C. Discuss and consider issues relating to the possible development of an ordinance regulating special events within the corporate limits of the Village of Salado. (Village Administrator)

Village Administrator Ferguson stated Salado has a lot of successful events and festivals and asked whether the Board has interest in developing a basic framework to address issues common to these types of events. He stressed the Village has no intent to micromanage special events, but said there may be some broad-based regulations or policies that could be implemented to handle event-related issues such as road closures, placement of event signage, time limits, security, and alcohol. He said it may be useful to appoint a planning committee for events that meets quarterly.

Mayor Pro-tem Brown did not favor any additional regulations and said coordination should be between the Chamber of Commerce and the Visitor’s Center. Alderman Coggin questioned the need for an ordinance as opposed to improving communications regarding events. Mayor Blancett stressed there is no desire to vote “no” on events, but simply to keep the Village informed of plans in the interest of public safety. He felt a monthly Chamber report to the Board might be useful to keep the Board up to date and establish channels of communication.

**Adjournment**

Mayor Pro-tem moved to adjourn. Alderman Jackson seconded. Mayor Blancett called the meeting adjourned at 8:44 p.m.

Recorded by:

Cara McPartland

These minutes approved on the 5<sup>th</sup> of July, 2018.

APPROVED:

*Skip Blancett*  
Skip Blancett, Mayor

ATTEST:

*Cara McPartland*  
Cara McPartland, City Secretary



**\* NOTES Re: PROPOSED FOOD TRUCK ORDINANCES \***

Proposed by Forrest Mullins, owner of Potato Wagon, LLC.

- 1) City of Belton, approx. two years ago, had a meeting to address regulating food trucks. Mr. Miller of Miller's BBQ is quoted as testifying, "Commerce is good for everyone" noting that one of the major brick-and-mortar restaurants supported the food truck concept. Food trucks are not our enemy. Beware of municipalities that come across as "food truck snobs." (Harker Heights as example, time permitting).
- 2) In reading the minutes which included the original draft in question, could not help but notice the mention of repealing an ordinance recently passed. Please don't make the same mistake. Also, a couple of Aldermen spoke of their "research" into regulations regarding food trucks. I would like to address the humanistic side of this matter above-and-beyond regulations and/or paperwork. My research of sorts consists of a grassroots approach: Talking to taxpayers/voters in which the many express a desire for more (not less) diversity of dining options, especially in Salado.
- 3) I am a retired Licensed Social Worker. Social Work simplistically involves assisting others with getting in touch with resources. I am certain our esteemed Aldermen will agree they are working with limited resources. A Social Work 101 course exposes "bureaucratic duplication" as a pitfall in dealing with limited resources. Examples of bureaucratic duplication abound in the aforementioned original draft, to include multiple regulations that would duplicate the Bell County Health Department regulations already in place. Who is going to regulate the Village of Salado regulations when Bell County already has resources in place (given limited resources). The scenario as presented above comes across as the powers-that-be passing regulations in a happy-go-lucky manner that does not take a grassroots approach or limited resources into account. By the way, food trucks must go through the same inspection as a brick-and-mortar establishment.
- 4) It is noted that the last newspaper report regarding the regulations in question mentioned a "... section of 21 rules and regulations for mobile food vendors." Of those 21 mentioned in passing, many are 'deal breakers,' intentional or not. Case in point: a regulation requiring a hand washing station as often seen outside of port-a-potties at festivals. Pointing out other examples is not possible at this writing given the limited timeframe.

Along those lines, rather than presenting as one who simply wants to complain, I would like to offer sitting in on a committee to represent those hardest hit by the regulations in question.

Thank you,

Forrest Mullins

Owner, Potato Wagon, LLC