

**MINUTES
MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN SABA
April 9, 2013**

Members in attendance were: Ken Jordan – Mayor
 Shawn Oliver - Mayor Pro-Tem
 Charlie Peeler - Alderman
 Oleta Behrens - Alderman
 Martha Leigh Whitten – Alderman
 Stan Weik – City Manager

Alderman Mark Amthor was absent.

Others present were: Gale Ivy – City Secretary
 Charlene Lindsay – City Treasurer
 Susie Jimenez – City Employee
 Sabrina Maulsby – City Employee
 Scott Glaze – City Employee
 Tony Guidroz – City Employee
 Chase Higginbotham – City Employee
 Robert Johnson - Citizen
 Alice Smith – San Saba News & Star

At 6:00 p.m. Mayor Jordan called the meeting to order and announced a quorum present. Alderman Oliver led the invocation and the pledges.

The first Public Hearing was held for the purpose of receiving public comments and presenting service plan on the proposed annexation of an abutting roadway; accepting the petition for annexation of two contiguous tracts of land consisting of 1.691 and 0.446, more or less, acres. No one was present at the Public Hearing for comment.

Public Hearing was closed approximately 6:02 p.m.

PUBLIC COMMENTS:

None

PRESENTATIONS:

Chase Higginbotham, city employee working for the Parks Department was selected as the Employee of the Month for April. Scott Glaze and Alderman Oliver presented Chase with a plaque with his name on it and a gift certificate to a local restaurant.

CONSENT AGENDA

On a motion by Alderman Oliver, seconded by Alderman Whitten, Council unanimously approved the following: minutes from the March 12th, 2013 council meeting; payment of bills; Resolution No. 2013-10 authorizing the City to enter into an agreement with TXDOT for the closure of Wallace

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Street for Rodeo Parade on June 1, 2013; Resolution No. 2013-11 a resolution closing the 300 and 400 blocks of East Wallace Street to parking one hour prior and during the annual Rodeo Parade in June and Christmas Parade in December; Resolution No. 2013-12 waiving noise ordinance for Saturday, April 13, 2013 at the Pavilion at Risien Park; and approve Proclamation declaring April Fair Housing Month in the Central Texas Region.

RESOLUTION 2013-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS, TO AUTHORIZE THE CITY TO ENTER INTO AN AGREEMENT WITH (TXDOT) TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CLOSURE OF ONE OF THE STATE'S RIGHT-OF-WAY'S (HWY 190 OR WALLACE STREET); AND AUTHORIZING THE MAYOR AND/OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CONTRACT.

WHEREAS, the City of San Saba has requested the temporary closure of Wallace Street for the purpose of the Rodeo Parade on June 1st, 2013 at 5:00 p.m.; and

WHEREAS, the Parade will be located within the City's incorporated area; and

WHEREAS, the State, in recognition of the public purpose of the Parade, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State's right-of-way will be performed within the State's requirements,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS: that the City Council authorizes the Mayor and/or City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the contract with TXDOT.

APPROVED this the 9th day of April 2013.

RESOLUTION NO. 2013-11

A RESOLUTION CLOSING THE 300 AND 400 BLOCKS OF EAST WALLACE STREET TO PARKING ONE HOUR PRIOR AND DURING THE ANNUAL RODEO PARADE IN JUNE AND CHRISTMAS PARADE IN DECEMBER; PROVIDING FOR BARRIERS AND WARNING DEVICES; SEVERABILITY AND AN OPEN MEETING CLAUSE

WHEREAS, pursuant to Chapter 311 of the Texas Transportation Code, a general-law municipality such as San Saba has exclusive control over the highways, and streets of the municipality;

WHEREAS, City of San Saba Downtown business owners have asked the City Council to prohibit parking on the 300 and 400 blocks of East Wallace during a specific time frame;

WHEREAS, parking would be prohibited in this specific area for one hour prior and during the annual Rodeo and Christmas Lighted Parades;

WHEREAS, prohibiting parking in this area during this time will not harm public right of way uses by the City nor hinder emergency services personnel from protecting the public;

WHEREAS, prohibiting parking in this area during the parades will serve and protect the public health and safety of all citizens and visitors to San Saba.

WHEREAS, City Police staff are authorized and empowered to install barriers to prevent parking in this area

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during this time.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS, THAT: the 300 and 400 blocks of East Wallace Street will be closed to parking for one hour prior to and during the annual Rodeo Parade and Christmas Parade.

APPROVED this the 9th day of April, 2013.

RESOLUTION 2013-12

A RESOLUTION OF THE CITY OF SAN SABA TO WAIVE AN ORDINANCE DEFINING NOISE NUISANCES

WHEREAS, the City of San Saba desires to regulate and oversee any unreasonable loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity.

WHEREAS, the playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 10 p.m. and 7 a.m. as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel or other type of residence is prohibited.

WHEREAS, Cynthia Zepeda, 112 Burkett, San Saba, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played at the Pavilion at Risien Park on April 13, 2013 until 12:00 midnight.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of San Saba is hereby authorizing the playing of music from 10:00 to 12:00 midnight on April 13, 2013 at the Pavilion at Risien Park.

Passed and approved this 9th day of April, 2013.

PROCLAMATION FAIR HOUSING MONTH

WHEREAS, the Central Texas Council of Governments is organized in accordance with Section 391 of the Local Government Code, and

WHEREAS, The Central Texas Council of Governments encompasses the region of Bell, Coryell, Hamilton, Lampasas, Milam, Miles, and San Saba counties, and

WHEREAS, the Governor of Texas has designated the Central Texas Council of Governments areas as State Planning Region #23, and

WHEREAS, the Central Texas Council of Governments is a recipient of Texas Community Development Program (TCDP) funds and must perform a well publicized activity to further fair housing opportunity within the seven-county region before final reimbursement under the current contract's expiration on August 31, 2013, and

WHEREAS, April is Fair Housing Month and the year of 2013 is the 45th anniversary of the passing of the Fair Housing Act;

NOW THEREFORE, BE IT PROCLAIMED by the City Council of the City of San Saba that the month of April 2013 be declared as Fair Housing Month in the Central Texas Region.

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PASSED AND APPROVED this 9th day of April, 2013 by the City Council of the City of San Saba, Texas.

Kenneth G. Jordan, Mayor

DISCUSSION/ACTION ITEMS:

The first action item was to discuss and consider approval of Ordinance No. 2013-02 permanently closing Cedar Street and selling a 40'X61' section to Robert A. Johnson. Cedar Street is an undeveloped, unopened street and Mr. Johnson owns two blocks facing Cedar Street. An independent appraisal was made of the value of the property which is \$146.40. Alderman Oliver made the motion to approve Ordinance No. 2013-02 permanently closing Cedar Street and selling a 40'X61' section to Robert Johnson. Alderman Peeler seconded the motion which passed unanimously.

ORDINANCE NO. 2013-02

AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS TO PERMANENTLY CLOSE THE UNDEVELOPED, UNOPENED SECTION OF CEDAR STREET LOCATED BETWEEN WATER STREET TO THE WEST AND DEAD ENDS TO THE EAST; SELLING A 40'X61' SECTION OF CEDAR STREET TO ROBERT A. JOHNSON; FINDING THAT THE LAND IS NOT SUBJECT TO THE NOTICE AND BIDDING REQUIREMENTS OF CHAPTER 272 OF THE LOCAL GOVERNMENT CODE; ESTABLISHING THE FAIR MARKET VALUE OF SAID PROPERTY; AUTHORIZING THE CONVEYANCE OF SAID PROPERTY BY WARRANTY DEED TO ROBERT A. JOHNSON, UPON PAYMENT OF ITS FAIR MARKET VALUE AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the City of San Saba is the owner of approximately 2,440 sq. ft. of land lying South of Lot 12 on Cedar Street in the Cedar Park Addition located between Water Street to the West and dead ends on the East; and

WHEREAS, the 2,440 sq. ft. starts at the Southwest corner of Block 12; goes West approximately 61 feet to the Southeast corner of Block 12; goes South approximately 40 feet to the Northeast corner of Block 11; goes West 61 feet to the Northwest corner of Block 11; goes North 40 feet back to Southwest Corner of Block 12 in the Cedar Park Subdivision; and

WHEREAS, *Chapter 272, Tex. Loc. Gov't. Code*, authorizes political subdivisions to sell and convey streets and alleys to abutting owners at an appraised fair market value;

WHEREAS, that portion of the street described above is not necessary for the purpose of serving the general public or the landowners adjacent thereto as a street;

WHEREAS, Mr. Johnson has obtained an independent appraisal of the fair market value of said property in the amount of One Hundred Forty Six Dollars and Forty cents (\$146.40) and the City has determined that it is in the City's best interest to sell such property; and

WHEREAS, the City by duly authorized action at the Regular Meeting of the San Saba City Council, April 9, 2013, has determined to sell and convey to Robert A. Johnson the property described here, in exchange for payment of the appraised fair market value.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN SABA TEXAS, THAT:

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Section 1. Findings. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if set forth herein at length.

Section 2. Street Closure. The City Council hereby vacates, abandons, and closes Cedar Street which is more particularly described in Exhibit A, and sells a 40'x61' section of the closed Cedar Street to Robert A. Johnson.

Section 3. Abandonment of Rights. The City Council hereby abandons any and all public rights, title and interest, if any, to this portion of Cedar Street.

Section 4. Land Records. The Municipal Clerk is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City, and in the land records of San Saba County.

Section 5. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, *Chapter 551, Tex. Gov't. Code.*

PASSED AND APPROVED on this the 9th day of April, 2013.

The second discussion/action item was to set a time for the special called meeting for the Second Public Hearing on Annexation scheduled for April 23. All aldermen in attendance with the exception of Alderman Behrens were available for a noon meeting on the 23rd. However, the Council needs one additional Alderman to have a super quorum which is required for a called meeting. No decision was finalized until Alderman Amthor could be contacted to see if he was available for the noon meeting on the 23rd of April.

CITY MANAGER'S REPORT

City Manager Weik reported on the following activities in the City of San Saba: Mill Pond has been partially drained twice; think problem has finally been solved; golf course is beginning to green up; Golf Committee has met numerous times to make recommendations for the golf course; gave an update on the activities of the Parks Committee and Utilities/Street Committee. Mr. Weik talked briefly about the new city website being developed with the help of Becky Whitley.

OTHER REPORTS

Susie Jimenez reported that the clean up held on April 6, 2013 was very successful. Final totals for the amount of garbage collected haven't been finalized. Scott Glaze reported that Allen Phillips with

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Jacob & Martin Engineering who is working with Utilities/Street Committee will be in town on Wednesday, April 10 to study drainage inventory and potential improvements. Tony Guidroz reported on activities he is working on including new Art Gallery to open downtown. Also, Relay for Life will be held later this month. Sabrina Maulsby reported that she and Gale Ivy had attended a Municipal Clerk Certification Program seminar in Lubbock recently.

As there was no further discussion, the meeting adjourned at 6:25 p.m.

ATTEST:

Kenneth G. Jordan, Mayor

Gale Ivy, TRMC, City Secretary

Approved 5-14-13