

MINUTES
MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN SABA
May 14, 2013

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

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
Al Hamrick – City Employee
Robert Carroll – City Employee
Denver Daniel – City Employee
Norman Pierce – City Employee
Juan Montoya – City Employee
Randal Hawkins – Scout Master
Angie Vaughn – Citizen
Buddy & Becky Whitley – Citizens
Alice Smith – San Saba News & Star

At 6:00 p.m. Mayor Jordan called the meeting to order, announced a quorum present, and gave the invocation.

The pledges to the American Flag and Texas Flag were led by troops from San Saba Scout Troop 55.

PUBLIC COMMENTS:

None

PRESENTATIONS:

John Whitney, city employee working for the Street Department was selected as the Employee of the Month for May. Norman Pierce, Shop Supervisor, was selected as Supervisor of the quarter. Scott Glaze and Mayor Jordan presented each of them with a plaque with his name on it and a gift certificate to a local restaurant.

Rachel Hering, CTRA, was present to recognize the City of San Saba for their recycling efforts for 2012. Ms. Hering stated that San Saba recycled 92.01 tons in 2012 and saved 644,070 gallons of

water. San Saba has an outstanding recycling program for a small city.

The next presentation was by Becky Whitley who had been working on developing a new website for the City of San Saba. The City had decided that the old website needed an update and it was decided to move the hosting to another entity. Council and staff were very pleased with the new website which will become active by the end of the week.

CONSENT AGENDA

On a motion by Alderman Oliver, seconded by Alderman Peeler, Council unanimously approved the following: minutes from the April 9th and 23rd, 2013 council meetings; payment of bills; Resolution No. 2013-15 waiving noise ordinance at Risien Park on June 8; and Resolution No. 2013-16 waiving noise ordinance at Risien Park on June 1, 2013 and Resolution No. 2013-17 a Resolution waiving noise on June 8 at Mill Pond Park.

RESOLUTION 2013-15

**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, Louise Moreno, 1706 W. Commerce, 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 June 8th, 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 June 8th, 2013 at the Pavilion at Risien Park.

Passed and approved this 14th day of May, 2013.

RESOLUTION 2013-16

**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.

CITY COUNCIL MINUTES

May 14, 2013

WHEREAS, Yesenia Garcia, 504 W. Church, 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 June 1st, 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 June 1st, 2013 at the Pavilion at Risien Park.

Passed and approved this 14th day of May, 2013.

RESOLUTION 2013-17

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, Laura Ramirez, 107 W. Commerce, San Saba, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played at the Gazebo at Mill Pond Park on June 8th, 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 June 8th, 2013 at the Gazebo at Mill Pond Park.

Passed and approved this 14th day of May, 2013.

DISCUSSION/ACTION ITEMS:

The first action item was to discuss and consider approval of Ordinance No. 2013-17 annexing an abutting roadway and two contiguous tracts of land consisting of 1.691 and 0.446, more or less, of land on First Reading. Alderman Whitten made a motion to approve Ordinance No. 2013-17 which was seconded by Alderman Behrens and approved unanimously.

ORDINANCE NO. 2013-03

AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS, ANNEXING PORTIONS OF AN ABUTTING ROADWAY INTO THE CORPORATE LIMITS OF THE CITY; ANNEXING TWO CONTIGUOUS TRACTS OF LAND CONSISTING OF 1.691 AND 0.446, MORE OR LESS, ACRES OF LAND LOCATED IN SAN SABA COUNTY, TEXAS; APPROVING A SERVICE PLAN FOR THE ANNEXED AREAS; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of San Saba, Texas (herein the "City") is authorized to annex an area of land upon the petition and request of the landowner;

CITY COUNCIL MINUTES

May 14, 2013

WHEREAS, the City is authorized pursuant to Section 43.103 of the Tex. Loc. Gov't. Code to annex a street, highway or alley that is adjacent and runs parallel to the to the boundaries of the City;

WHEREAS, the owners of certain properties that are adjacent and contiguous to the corporate limits of the City have petitioned the City for annexation of said properties into the City limits and the City desires to also annex into the corporate limits of the City a portion of roadway that is adjacent and parallel to the City's boundaries along and abutting the entrance of Risien Park, all being more particularly described herein as the "subject properties";

WHEREAS, after review and consideration of the owners' request, the City Council has decided to annex the subject properties;

WHEREAS, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to § 43.052 (h)(2) of the *Local Government Code*;

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B".

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

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. All portions of the following subject properties, including the abutting streets, roadways, and rights of way, not previously annexed into the City, are hereby annexed into the corporate limits of the City:

Tract 1. All that certain tract or parcel of land being a portion of roadway, commonly referred to as County Road 102, Old Chadwick Mill Road, or Old San Saba – Lometa Road that is adjacent and runs parallel to the boundaries of the City along and abutting the entrance of Risien Park and is located in San Saba County, Texas, and being more particularly shown in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 2. All that certain tract or parcel of land being 1.691 acres, more or less, located in San Saba County, Texas, out of the P. McAnnelly Survey No. 36, Abstract No. 946 and being more particularly shown and described as the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 3. All that certain tract or parcel of land being 0.446 acres, more or less, located in San Saba County, Texas, out of the P. McAnnelly Survey No. 36, Abstract No. 946 and being more particularly shown and described as the Exhibit "A" attached hereto and incorporated herein for all purposes.

Section 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

CITY COUNCIL MINUTES

May 14, 2013

Section 4. That the future owners and inhabitants of the subject properties shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit “B”, and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

Section 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the subject properties as part of the City.

Section 6. That 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 7. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 8. That 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 Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 14th day of May, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

“Exhibit “B”

MUNICIPAL SERVICES PLAN FOR PROPERTY TO BE ANNEXED INTO THE CITY OF SAN SABA

WHEREAS, the City of San Saba, Texas (the “City”) intends to institute annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the “subject property”);

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the City agrees to provide the following services for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

CITY COUNCIL MINUTES

May 14, 2013

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and

maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

CITY COUNCIL MINUTES

May 14, 2013

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

The second action item was to consider and approve the Budget Calendar for the 2013-2014 Fiscal Year. Meetings are scheduled for June 11, June 25, July 9, July 16, July 23, August 6, and August 9. This year's calendar has more dates scheduled to meet in order to finalize the budget in a more timely manner. The budget and tax rate will be voted on September 10, 2013 at which time the Public Hearing will be held. The budget was unanimously approved on a motion by Alderman Amthor, seconded by Alderman Oliver.

CITY MANAGER'S REPORT

City Manager Weik reported on the following activities in the City of San Saba: Bird Banders were at the LCRA Park again; two classes from two school districts visited the park to watch how it is done; golf play is up; June 13 at 12:30 Senior Center Dedication of Community Gardens will be held.

Scout Troup 55 leader Randal Hawkins gave a brief update on the recently held Pecan Valley District Camporee held at the LCRA Nature Park.

OTHER REPORTS

Al Hamrick, Code Enforcement Officer, reported on the houses/lots that had been red-tagged for weeds. Notices were sent to 11 out of town owners of property that have houses/lots that need work. Out of that 11, six have been cleaned up. Eighteen more will be sent shortly. The City only has to notify the property owner once a year and can then clean up the area if not cleaned up by owner. The charge to clean the property will be billed to the owner.

Tony Guidroz reported that he had spoken with Jason Caraway with Care Way Senior Living. Mr. Caraway anticipates beginning construction in 60-90 days on the vacant nursing home that his company purchased. Mr. Guidroz is currently working on rodeo, cook-off, street dance, has radio interviews scheduled. Also, working with Retail Coach on new projects.

CITY COUNCIL MINUTES

May 14, 2013

Susie Jimenez, KSSB, has presented each Council member with a new blue city T-shirt. KSSB has been meeting with 4th graders at the elementary school every Wednesday and will continue until end of year.

Denver Daniel, Electrical Supervisor, reported that only six people lost electricity in the recent rain/hail storm. However, many of the bulbs on the Christmas lights located on the city buildings were destroyed and will have to be replaced.

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 Maultsby 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 7:05 p.m.

ATTEST:

Kenneth G. Jordan, Mayor

Gale Ivy, TRMC, City Secretary

Approved 6/11/13