

**MINUTES**  
**MEETING OF THE CITY COUNCIL**  
**OF THE CITY OF SAN SABA**  
**June 11, 2013**

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

Mayor Pro-Tem Shawn Oliver was absent.

Others present were: Gale Ivy – City Secretary  
Charlene Lindsay – City Treasurer  
Sabrina Maultsby – City Employee  
Scott Glaze – City Employee  
Denver Daniel – City Employee  
Chief Ray Riggs – City Employee  
Alvin Pavey – City Employee  
Brenda Pavey - Citizen  
Mark McEwin – Atmos Energy  
Les Dawson – Municipal Judge  
Farrell Whitley – City Employee  
Chuck Jennings – City Employee  
John Carter Wells – City Employee  
Alice Smith – San Saba News & Star

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

**INSTALLATION OF ELECTED OFFICIALS**

Municipal Judge Les Dawson was present to issue the Statement of Elected Officials and Oath of Office to re-elected Aldermen Mark Amthor and Charles Peeler. Alderman Shawn Oliver had already been installed earlier by City Secretary Gale Ivy.

The next item on the agenda was to elect an Alderman to serve as Mayor Pro-Tem. The Council unanimously elected Alderman Martha Leigh Whitten as Mayor Pro-Tem on a motion by Alderman Behrens, seconded by Alderman Peeler.

**PUBLIC COMMENTS:**

None

**PRESENTATIONS:**

Alvin Pavey, city employee working as a long haul driver, was selected as the Employee of the Month for June. Alvin has been an employee of the City for 15 years. Scott Glaze and Alderman Whitten presented Alvin with a plaque with his name on it and a gift certificate to a local restaurant.

**CONSENT AGENDA**

On a motion by Alderman Amthor, seconded by Alderman Whitten, Council unanimously approved the following: minutes from the May 14, 2013 council meeting; payment of bills; Approved waiving ordinance prohibiting fireworks within the city limits for a Fourth of July Celebration; Resolution No. 2013-18 waiving noise ordinance at Mill Pond Park on July 13; and Resolution No. 2013-19 a Resolution adopting a Rate Review Mechanism (RRM) agreement with Atmos Energy; and Resolution No. 2013-20 a Resolution waiving noise nuisances for July 6, 2013 at Mill Pond Park.

**RESOLUTION 2013-18**

**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, Connie Hernandez, 307 E. Green, Apt. B8, 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 July 13<sup>th</sup>, 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 July 13<sup>th</sup>, 2013 at the Gazebo at Mill Pond Park.

Passed and approved this 11<sup>th</sup> day of June, 2013.

**RESOLUTION NO. 2013-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS (“CITY”) APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY.**

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**WHEREAS**, the City of San Saba, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “the Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

**WHEREAS**, the City is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under § 103.001 of GURA has exclusive original jurisdiction over the rates, operations and services of Atmos Mid-Tex within the municipality; and

**WHEREAS**, the City previously approved a Rate Review Mechanism (“RRM”) Tariff that allows for an expedited rate review process to facilitate annual changes in gas utility rates reflective of Atmos Mid-Tex’s annual system-wide cost of providing service; and

**WHEREAS**, the RRM process permits City review of requested rate changes and provides for a review of Atmos Mid-Tex’s total cost of service on an annual basis; and

**WHEREAS**, the initial RRM tariff expired on 2011; and

**WHEREAS**, the new RRM tariff attached to this Resolution reflects the ratemaking standards and methodologies authorized by the Railroad Commission in the Most recent Atmos Mid-Tex rate case, G.U.D. No. 10170; and

**WHEREAS**, the renewal of the RRM process may avoid costly rate case litigation; and

**WHEREAS**, the attached Rate Schedule “RRM – Rate Review Mechanism” (“RRM Tariff”) provides for a reasonable expedited rate review process that has been shown to result in just and reasonable gas utility rates; and

**WHEREAS**, the attached RRM Tariff as a whole is in the public interest;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS:**

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That the City Council finds that the RRM Tariff, which is attached hereto and incorporated herein as Attachment A, is reasonable and in the public interest, and is hereby in force and effect in the City.

Section 3. That to the extent any resolution or Resolution previously adopted by the City Council is inconsistent with this Resolution, it is hereby repealed.

Section 4. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. That if any one or more sections or clauses of this resolution is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 6. That this Resolution shall become effective from and after its passage.

Section 7. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, TX 75240.

**PASSED AND APPROVED this 11<sup>th</sup> day of June, 2013.**

**RESOLUTION 2013-20  
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, Milagros Franco, 222 Riverview, 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 July 6<sup>th</sup>, 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 July 6<sup>th</sup>, 2013 at the Gazebo at Mill Pond Park.

Passed and approved this 11<sup>th</sup> day of June, 2013.

**DISCUSSION/ACTION ITEMS:**

The first action item was to discuss and consider approval of Ordinance No. 2013-03 annexing an abutting roadway and two contiguous tracts of land consisting of 1.691 and 0.446, more or less, of land on Second and final reading. Alderman Peeler made a motion to approve Ordinance No. 2013-03 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;

**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;

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**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".

**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 14<sup>th</sup> day of May, 2013.

**FINALLY PASSED AND APPROVED** on this 11<sup>th</sup> day of June, 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:

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

(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 discuss and consider Ordinance No. 2013-04 amending Ordinance No. 3013-01 which regulates the keeping of all animals within the City Limits of San Saba. City Manager Weik discussed the changes that were made to the old ordinance. Alderman Amthor asked about keeping groups of animals such as sheep or goats within the city limits to wean. The ordinance now states that a property owner must have ½ acre of land, excluding the building site, per each animal. It was stated that there is a formula for determining how many sheep/goats are equal to one head of livestock. This will be determined and discussed at next regular council meeting. Ordinance No. 2013-04 was unanimously approved on a motion by Alderman Whitten, seconded by Alderman Behrens.

### **CITY MANAGER’S REPORT**

City Manager Weik reported on the following activities in the City of San Saba: Reviewed the new Fire Arms Policy for Animal Control Officer with the Council; TxDot has approved the landscaping project for the Courthouse; a bid of \$120,000 was received which is \$10,000 over what the city received to do the project; looking for additional money so that City won’t have to make up the difference; City Manager Weik, Farrel Whitley, and Susie Jimenez will be attending the KTB Convention next week. The City Park Department won Second Place and the City received an Award of Excellency for the third time. Mr. Weik also reported on some of the suggestions made by the Parks Committee. He showed a drawing of playground equipment to be purchased for the park. He also stated that the Committee had recommended that the existing swimming pool will be closed and the money used to support the pool would be used to purchase the playground equipment. Mr. Weik also discussed the “beach area” to be developed on Mill Pond.

### **OTHER REPORTS**

Scott Glaze, Public Works Supervisor, reported that work will begin on street repairs soon. Mr. Glaze also introduced the new Animal Control Officer, John Carter Wells. Mr. Wells is a certified animal control officer but will need additional education. Denver Daniel, electric department supervisor, reported that work has been completed on the new school construction. Sabrina Maultsby reported that the Parks Committee had met that day and have accomplished quite a bit in a short time.

As there was no further discussion, the meeting adjourned to the Budget Workshop.

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Council members took a brief recess before beginning the Budget Workshop. Departments presenting their budget were Chief Riggs for the Police Department; Farrell Whitley for the Parks Department and Chuck Jennings for the Golf Course.

The Police Department budget shows a decrease in expenses of \$12,707.00 due to automobile expenses being paid off by the 2012 tax notes. The Parks Department shows a large decrease as well due to Water Park expenses being paid off by the 2012 Tax Notes. The Golf Course expenses show a large increase due to expenses that were previously paid by the prior Golf Pro now being paid by the City. However, these expenses are offset under Income.

The next Budget Workshop is scheduled for Tuesday, June 25, 2013 at 6:00 p.m.

The meeting adjourned at 7:30 p.m.

**ATTEST:**

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Kenneth G. Jordan, Mayor

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Gale Ivy, TRMC, City Secretary

Approved 7/9/13