

**MINUTES
MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN SABA
August 8, 2023**

Members in attendance were: Ken Jordan - Mayor
Robert Whitten – Mayor Pro-Tem
Oleta Behrens – Alderman
Shawn Oliver - Alderman
Marcus Amthor – Alderman
Michael Nelson - Alderman
Scott Edmonson – City Manager

Others present were: Sabrina Maultsby – City Secretary
Charlene Lindsay – City Treasurer
Scott Glaze – Public Works
John Bauer – Police Chief
Michael Wadsworth – Code Enforcement Officer
Juan Montoya - Sanitation Department Supervisor
Evelyn Montoya - Visitor
Paul Alcorn - Sanitation Department Employee
Marcus Wood - Attorney
Brian Rogers - Citizen

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

PUBLIC COMMENTS: None

PRESENTATIONS:

Paul Alcorn, employee working in the Sanitation Department, was selected as the Employee of the Month for August. Mayor Ken Jordan and Juan Montoya, Sanitation Department Supervisor presented Paul with a plaque with his name on it and a gift certificate to a local restaurant.

CONSENT AGENDA:

On a motion by Alderman Shawn Oliver, seconded by Alderman Marcus Amthor, Council unanimously approved the following: minutes from the July 11, 2023 council meeting and July 25, 2023 Budget Workshop; payment of bills; approved Resolution No. 2023-27 a Resolution to waive an Ordinance defining noise nuisances for Hilary Morales August 26th, 2023 at Mill Pond Park Gazebo; approved Resolution No. 2023-28 a Resolution to waive an Ordinance defining noise nuisances for St. Mary's Catholic Church on September 16th, 2023 at Risien Park.

RESOLUTION 2023-27

**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, Hilary Morales, 301 N. 5th Street, San Saba, Texas, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played at the Mill Pond Park Gazebo on August 26th, 2023 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 August 26, 2023 at the Mill Pond Park Gazebo.

Passed and approved this 8th day of August, 2023.

RESOLUTION 2023-28

**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, St. Mary's Catholic Church, 504 W. Wallace, San Saba, Texas, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played at the Risien Park on September 16th, 2023 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 September 16th, 2023 at Risien Park.

Passed and approved this 8th day of August, 2023.

DISCUSSION/ACTION ITEMS:

The first action item was to Discuss and Consider approving Resolution No. 2023-29, a Resolution of the City of San Saba, Texas approving the purchase of one (1) 2016 Chevrolet Tahoe with equipment from the City of Horseshoe Bay, Texas not to exceed \$16,000.00, authorizing the City Manager or the City Manager's designee as the authorized signer of the Purchase and providing an effective date. Chief John Bauer addressed the City Council and explained that Horseshoe Bay Police Sergeant reached out to him regarding the purchase of the 2016 Chevrolet Tahoe and said he was aware of the vehicle situation San Saba Police Department was having and was our Police Department interested. Chief Bauer explained that the vehicle is in great condition, it has about 100,000 thousand miles, and the San Saba PD should be able to get several years of use out of it. He also explained that the equipment alone is worth over twenty thousand dollars. Mayor Pro-Tem Robert Whitten made a motion to approve Resolution No. 2023-29, approving the purchase of one (1) 2016 Chevrolet Tahoe with equipment from the City of Horseshoe Bay, Texas not to exceed \$16,000.00, authorizing the City Manager or the City Manager's designee as the authorized signer of the Purchase and providing an effective date, seconded by Alderman Michael Nelson, and was unanimously approved by all.

RESOLUTION No. 2023-29

A RESOLUTION REGARDING THE PURCHASE OF A
"POLICE VEHICLE".

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS APPROVING THE PURCHASE OF ONE (1) 2016 CHEVROLET TAHOE FROM THE CITY OF HORSHOE BAY, TEXAS NOT TO EXCEED \$16,000.00, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE AS THE AUTHORIZED SIGNER OF THE PURCHASE AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That the purchase of one (1) 2016 Chevrolet Tahoe with equipment from the City of Horseshoe Bay, Texas, in an amount not to exceed \$16,000.00 is hereby approved.

Section 2. That the City Council designate the City Manager, or designee, as an authorized signer of the purchase.

Section 3. That this Resolution shall take effect from and after its date of adoption.

PASSED AND APPROVED by the City Council of the City of San Saba in a meeting held on the 8th day of August, 2023.

ATTEST:

THE CITY OF SAN SABA, TEXAS

The second action item was to Discuss and consider approving Ordinance No. 2023-06, an Ordinance of the City of San Saba, Texas amending Article 8.06, Firearms, to Address the Discharge of Bows, Crossbows, and Compound Bows within the City Limits; Providing for an Effective Date; Providing a Savings Clause; and Providing a Severability Clause. City Manager, Scott Edmonson explained to the Council that he had previously mentioned that the City would be bringing an Ordinance to them for approval regarding the discharge bows, cross bows, and compound bows within the City limits since we have been approached by citizens regarding this matter and feel that it is in the best interest of the citizens of San Saba not to allow this. Alderman Michael Nelson made a motion to approve Ordinance No. 2023-06, an Ordinance of the City of San Saba, Texas amending Article 8.06, Firearms, to Address the Discharge of Bows, Crossbows, and Compound Bows within the City Limits; Providing for an Effective Date; Providing a Savings Clause; and Providing a Severability Clause, seconded by Alderman Oleta Behrens and was approved by a 5 to 0 vote.

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS, AMENDING ARTICLE 8.06, FIREARMS, TO ADDRESS THE DISCHARGE OF BOWS, CROSSBOWS, AND COMPOUND BOWS WITHIN CITY LIMITS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City of San Saba, Texas is a Type A general-law municipality; and

WHEREAS, Section 51.001 of the Texas Local Government Code authorizes the City of San Saba to adopt an ordinance that the City Council deems is for the good government, peace or order of the City; and

WHEREAS, Section 217.003(c) of the Texas Local Government Code authorizes the City of San Saba to regulate the firing of guns, bows, crossbows, and compound bows within the city limits; and

WHEREAS, The City Council of the City of San Saba enacted ordinance No. 2013-10 on November 12, 2013; and

WHEREAS, said ordinance No. 2013-10 regulates the discharge of firearms within the city limits of the City of San Saba, Texas; and

WHEREAS, the City Council desires to amend the regulations contained in Ordinance No. 2013-10 and found in Chapter 8, Offenses and Nuisances, Article 8.06, Firearms, of the City of San Saba Code of Ordinances to establish regulations governing the discharge of bows, crossbows, and compound bows within the city limits; and

WHEREAS, the City Council desires to protect the health, safety and general welfare of the citizens of the City of San Saba without undue infringement on their liberty;

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

Section 1. Amendment of Chapter 8, Article 8.06, Firearms.

That Code or Ordinances, Chapter 8, Offenses and Nuisances, Article 8.06, Firearms, Sections 8.06.001 through and including 8.06.005, be deleted in their entirety and replaced with the following:

§ 8.06.001 Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Air Gun means any device designed, made or adapted to expel a projectile through a barrel by using the energy or force generated by the release of a spring, compressed gases or air. The term “air gun” includes, but is not limited to, pellet guns, air pistols, and BB guns.

Bow, crossbow, compound bow means a weapon for shooting arrows, typically made of a curved piece of wood whose ends are joined by a taut string. A compound bow is a modern bow that uses a levering system, usually of cables and pulleys, to bend the limbs.

City means the city and encompasses the territory situated within the corporate boundaries of the City of San Saba, Texas, including any and all public watercourses, rivers, streams lakes and other state waters, and any and all banks, beds, courses, or other property comprising a part of said public watercourses, rivers, streams, lakes and other state waters.

Firearm means any device designed, made, or adapted to expel a projectile through a barrel using the energy generated by an explosion or burning substance, or gas, or air-powered substance. A firearm includes, without limitation, a rifle, shotgun, automatic rifle, revolver, and pistol.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, parks, streets, highways, and the common areas of the schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, public waterway, or public utility easement.

Shotgun means a firearm designed, made, or adapted and intended to be fired from the shoulder and designed, made, or adapted to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

§ 8.06.002. **Discharge of firearm, bow, crossbow, compound bow, air gun, pellet gun**

- (a) Discharge of firearm. Except as otherwise provided in this section, it shall be unlawful and an offense for any reason to discharge, fire or shoot, or cause to be fired or shot, any firearm, or any other weapon designed for the purpose of discharging a projectile, whether such shell or cartridge is blank or live ammunition, within the corporate limits of the city.
- (b) Discharge of air gun, pellet gun, bow, crossbow or compound bow, etc. Except as otherwise provided herein, it shall be unlawful and an offense for any reason to discharge, fire or shoot, or cause to be fired or shot a projectile from air gun, pellet gun, bow, crossbow, compound bow or other like instrument or by other means within the corporate limits of the city.
- (c) Discharging from outside the city limits into the city limits. Except as otherwise provided in this section, it shall be unlawful for any person to discharge or cause to be discharged any firearm, bow, crossbow, compound bow, air gun or pellet gun from or on real property situated outside the corporate limits of the city such that a projectile discharged from said firearm, bow, crossbow, compound bow, air gun, or pellet gun enters into or upon real property situated within the corporate limits of the city.
- (d) Exceptions. This section shall not be construed to prohibit the following:
 - (1) Any peace officer or animal control officer from discharging a firearm, bow, crossbow and compound bow in the lawful performance of their duties.
 - (2) Any citizen from discharging a firearm, bow, crossbow, and compound bow when lawfully defending persons or property.

- (3) The use by workers in the construction business or any mechanism designed to propel nails, bolts, screws, rivets or other fasteners, provided such mechanism is being used in the manner for which it was intended.
- (4) The use of blank cartridges for a military ceremony, theatrical production, or sporting event sponsored by an educational institution.
- (5) The discharge of the firearm, bow, crossbow, and compound bows in an approved indoor or outdoor firing range, gunsmith's establishment, or shooting facility, lawfully operating pursuant to a permit issued or in accordance with local, state, and federal laws regulating such establishments.
- (6) Destroying depredated animals on one's property or with the written permission of the owner of the property in accordance with any applicable local, state, or federal laws.
- (7) The discharge of a projectile from a bow, crossbow or compound bow into a target designed specifically to stop the projectile and the target is placed in an area that will maintain the projectile within ten feet of the target, and the target is not placed in an area that will allow the projectile to accidentally be discharged towards a residence or inhabited area.

(e) Penalty

- (1) Each occurrence of a violation of this section shall constitute a separate offense.
- (2) Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed \$500.00 for each offense.

§ 8.06.003 Hunting and discharge of firearms on the City of San Saba Golf Course and City Farm.

It shall be lawful, under limited circumstances, to harvest wild game from the city's golf course and city farm premises with the use of an approved firearm. All harvesting of wild game shall comply with state parks and wildlife rules and regulations and other applicable state and federal regulations. The city shall work closely with the local game warden(s) to effectively manage and control any game management measurements taken upon the city golf course and city farm premises. Only persons approved by the city manager will be authorized to engage in the use of firearms and wildlife harvesting upon the city's golf course and city farm. Any discharge of firearms on the city golf course and city farm will be done in a manner not reasonably expected to cause a projectile to cross the boundary of the golf course and city farm premises and any such discharge will be done more than 300 feet from a residence or occupied building located on an abutting property. The harvesting of wild pigs, feral hogs or boars is permitted year-round or as otherwise authorized by local and state regulations. Persons approved to engage in wildlife harvesting and management upon the city's golf

course and city farm must have express authorization from the golf course management prior to engaging in any harvesting or management activities on each instance such activity is to occur. At no time shall an approved individual enter the city's golf course or city farm with a firearm with the intent to harvest or manage wild game without receiving prior approval. At no time shall approved hunters be authorized to discharge a firearm on the golf course or city farm premises when golfers or other members of the public are present.

Section 2. Amendment Of Ordinances. All ordinances of the City of San Saba or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other ordinance of the city, the terms and provisions of this ordinance shall govern.

Section 3. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 4. Effective Date. 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 5. 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 Meetings Act.

PASSED AND APPROVED on this the 8th day of August, 2023.

ATTEST:

THE CITY OF SAN SABA, TEXAS

The third action item was to Discuss and consider approving Ordinance No. 2023-07, an Ordinance of the City of San Saba, Texas to permanently close the undeveloped unopened 0.719 portion of Pierce Street and Hope Street located in the Industrial Park and selling the 0.719 portion of Pierce Street and Hope Street to Tony Jacobs, Jr. Attorney, Marcus Wood representing Tony Jacobs, Jr. was present and addressed a few additions and changes that he will make to the Ordinance and Warranty Deed for the Council to review and approve prior to the next meeting. The City Council agreed to move this item to the next Special Called meeting and Budget Workshop.

CITY MANAGER'S REPORT: City Manager, Scott Edmonson reported on the following activities in the City of San Saba: A Representative from Splash Zone came in for the preconstruction meeting for the Splash Pad to work out all of the details regarding infrastructure of the water, wastewater, and electric lines and layout of the Splash Pad; a lot of Trees falling at the Golf Course; Discussion in Commissioner's Court regarding the Emergency Dispatch Services Equipment financing and whether they will do Tax Notes or financing through Motorola, if they choose Tax

Notes, the City will finance the Police Department's Radio Equipment through Motorola; the new radios will be encrypted so no one will be able to listen to the Police Scanner, however they will be able to communicate with the other emergency services on other channels; the City received their new cell phones through Verizon and still have some things to work out; Alderman Oleta Behrens said they should have 5g in about 45 days; the EV Charging Stations are no longer in service, but I have contacted someone to see about installing new ones; the Sidewalk Grant is moving forward; the City will be updating and increasing the Fee Schedule due to increase in materials to provide services and will be a very small increase; the City will also be discontinuing services November 1, 2023 for out-of-county dumping at the Transfer Site due to the amount of refuse the City is getting from out-of-County persons and the City wants to make sure they don't exceed their limits on the permit; the City worked out a 90-Day Temporary Discharge Agreement with Chase Pecan

OTHER REPORTS:

Scott Glaze, Public Works Director, reported that there is a lot of Water and Electricity being use; started rationing bulk water and had to limit the truck loads due to 18-wheeler's coming in to getting as many as 10 loads per day.

Michael Wadsworth, Code Enforcement Officer, reported that Chase Pecan has started putting up the red iron on the new addition.

Chief John Bauer reported that they are working off the backup dispatch system and that it is critical that the radios and dispatch system are updated.

As there was no further discussion, Council members took a brief recess before beginning the Budget Workshop at 6:36 p.m.

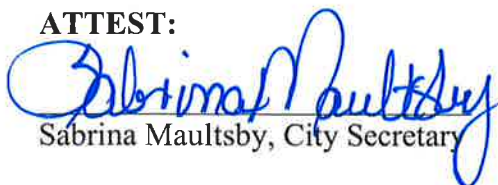
The following departments presented their budget requests:

City Manager Scott Edmonson presented the budget for General Admin. (Expenses); Health Services (Expenses).

No final decisions were made regarding budgets at this meeting.

The Budget Workshop adjourned at 6:55 p.m.

ATTEST:


Sabrina Maulsby, City Secretary


Kenneth G. Jordan, Mayor