

**MINUTES
MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN SABA
August 11, 2020**

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

Others present were: Sabrina Maultsby – City Secretary
Charlene Lindsay – City Treasurer
Scott Glaze – Public Works Supervisor
Jesse Gonzalez – Golf Department Employee
Djuana Payton – San Saba News & Star

Mayor Ken Jordan called the meeting to order at 6:00 p.m. and Alderman Robert Whitten gave the invocation and pledges.

PUBLIC COMMENTS: None

PRESENTATIONS:

Jesse Gonzalez, Golf Department Employee, was selected as the Employee of the Month for August. Scott Glaze, Public Works Supervisor and Mayor Pro Tem Robert Whitten presented Jesse with a plaque with his name on it and a gift certificate to a local restaurant.

Mayor Kenneth Jordan read a complimentary letter from Roger Lorenz of McKinney, Texas regarding a visit he and his wife made to San Saba and how two citizens stopped to help after his wife unexpectedly took a fall.

CONSENT AGENDA:

On a motion by Alderman Shawn Oliver, seconded by Alderman Marcus Amthor, Council unanimously approved the following: minutes from the July 28, 2020 Budget Workshop, August 4, 2020 Special Called Meeting and Budget Workshop; Approved Resolution No. 2020-26 waiving noise ordinance for Elsa Zepeda on August 15th, 2020 at Risien Park Pavilion; Approved Resolution No. 2020-27 waiving noise ordinance for Charles Collins on September 5th & 6th, 2020 at Risien Park Pavilion; Approved Resolution No. 2020-28 waiving noise ordinance for St. Mary’s Catholic Church on September 11th & 12th, 2020 at Risien Park.

RESOLUTION 2020-26

**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, Elsa Zepeda, 450 W. Hwy. 190 S., 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 August 15, 2020 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 15, 2020 at Risien Park.

Passed and approved this 11th day of August, 2020.

RESOLUTION 2020-27

**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, Charles Collins/Sutton Reunion, 3732 Cove Meadow Lane, Ft. Worth, Texas, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played at the Risien Park on September 5th & 6th, 2020 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 5th & 6th, 2020 at Risien Park.

Passed and approved this 11th day of August, 2020.

RESOLUTION 2020-28

**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 11th & 12th, 2020 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 11th & 12th, 2020 at Risien Park.

Passed and approved this 11th day of August, 2020.

DISCUSSION/ACTION ITEM:

The first action item was to Approve Resolution No. 2020-29, a Resolution which authorizes the City to enter into an agreement with TXDOT for the closure of Wallace Street for the Rodeo Parade rescheduled for August 22, 2020 at 10:00 a.m. City Manager explained that the Rodeo Parade may be cancelled, but the Rodeo Association would like to keep this option open just in case they go forward with the Parade. There has also been talk of a Trail Ride. Mayor Pro Tem Robert Whitten made a motion to approve Resolution No. 2020-29, a Resolution which authorizes the City to enter into an agreement with TXDOT for the closure of Wallace Street for the Rodeo Parade rescheduled for August 22, 2020 at 10:00 a.m., seconded by Alderman Robert Whitten, and was unanimously approved by Council.

RESOLUTION 2020-29

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 August 22nd, 2020 at 10:00 a.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 11th day of August 2020.

The second action item was to Approve Resolution No. 2020-30, a Resolution closing the 300 and 400 blocks of East Wallace Street to Parking, one hour prior and during the Annual Rodeo Parade rescheduled for August and Christmas Parade in December. Alderman Shawn Oliver made a motion to approve Resolution No. 2020-30, seconded by Mayor Pro Tem Robert Whitten, and was unanimously approved by Council.

RESOLUTION NO. 2020-30

A RESOLUTION CLOSING THE 300 AND 400 BLOCKS OF EAST WALLACE STREET TO PARKING ONE HOUR PRIOR AND DURING THE ANNUAL RODEO PARADE IN AUGUST; 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 Parade;

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 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.

APPROVED this the 11th day of August, 2020.

The third action item was to Discuss and Consider approving Ordinance No. 2020-06, an Ordinance of the City of San Saba, Texas, Amending and Updating Chapter 13, Utilities, Article 13.04, Water Conservation and Drought Contingency, Section 13.04.001, Drought Contingency Plan for the City of San Saba ; Providing for Conflicting Ordinances, Severability, and Effective Date and for Related Matters. City Manager Weik explained that this is a requirement of TCEQ that must be renewed every five years. Alderman Michael Nelson made a motion to approve Ordinance No. 2020-06, seconded by Alderman Oleta Behrens, and was unanimously approved by Council.

ORDINANCE NO. 2020-06

AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS, AMENDING AND UPDATING CHAPTER 13, UTILITIES, ARTICLE 13.04, WATER CONSERVATION AND DROUGHT CONTINGENCY, SECTION 13.04.001, DROUGHT CONTINGENCY PLAN FOR THE CITY OF SAN SABA; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND OPEN MEETINGS; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE AND FOR RELATED MATTERS

WHEREAS, State law requires all levels - state, regional and local - to undertake plans to address droughts and water conservation; and

WHEREAS, to support such regulatory requirement, municipalities are required to adopt drought contingency plans for municipal water customers; and

WHEREAS, a public education element whereby the water customer will periodically provide its employees, members, and the general public with information about this drought contingency plan, including the importance of the plan, information about the conditions under which each stage of the plan is to be initiated, processes to reduce water usage, and impending or current drought conditions; and

WHEREAS, the City of San Saba, Texas (the “City”) desires to promote the conservation of the natural resource of water at all times but especially during times of drought and emergency conditions and believes in planning for such events.

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amending and Updating of Chapter 13, Utilities, Article 13.04, Water Conservation and Drought Contingency Plan. The City Council, after a public education and hearing process, hereby amends and updates Chapter 13, Utilities, Article 13.04, Water Conservation and Drought Contingency Plan, as set out in their Code of Ordinances with the Drought Contingency Plan dated 2020 for the municipal water customers, attached hereto as Exhibit "A" and incorporated in this ordinance as though fully transcribed herein for all purposes.

Section 3. Amendment of Conflicting Ordinances. All ordinances 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 code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 4. Severability. If any section, subsection, sentence or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected. It is the intent of the city council in adopting this Ordinance, that no provision or regulation contained herein shall become inoperative, or fail by reason of the unconstitutionality or invalidity of any other section, subsection, sentence or phrase of this Ordinance.

Section 5. Penalty. Penalties for wholesale purchased water customers are as more fully set forth in the Plan. A summary is:

1. Upon conviction, penalty fee of a minimum of \$50.00 and a maximum of \$200.00.
2. Upon third conviction, and after City Manager provides notice, City Manager shall be authorized to disconnect service.

Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City Charter.

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 Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED THIS 11th DAY OF August, 2020.

EXHIBIT "A"

Drought Contingency Plan

for the

City of San Saba

2020

Prepared By:

JACOB | MARTIN

3465 Curry Lane | Abilene, TX | 79606

jacobmartin.com

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1.0 DROUGHT CONTINGENCY PLAN

1.1 **Declaration of Policy, Purpose, and Intent**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of San Saba hereby adopts the following regulations and restrictions on the delivery and consumption of water through an ordinance/or resolution (see Appendix).

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 2.10 of this Plan.

1.2 Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of San Saba by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

1.3 Water Customer Education

The City of San Saba will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of public events, press releases or utility bill inserts.

1.4 Coordination with Regional Water Planning Group

The service area of the City of San Saba is located within the Region K Planning Group and the City of San Saba has provided a copy of this Plan to the Region K Planning Group.

1.5 Authorization

The City Manager, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

1.6 Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of San Saba. The terms person and customer as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

1.7 Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by City of San Saba.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) Irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

1.8 Criteria for Initiation and Termination of Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation, direct mail to each customer and/or signs posted in public places.

The City owns and operates a ground water well public water system. Triggering criteria will be initiated and implemented by the City of San Saba.

(a) Stage 1 - Drought Watch

Requirements for initiation - Customers shall be required to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section 2.7 - Definitions, when:

1. **At any time the average daily use reaches 90% of production capacity and continues for three consecutive days, the city manager shall be authorized to request voluntary compliance by all users and initiate other measures in accordance with the conservation/drought contingency plan as set out in the plan. Daily average use as determined by the City Public Works Department.**

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. The City will notify the media of the termination of Stage 1 of the same manner as the notification of the implementation of Stage 1 of the Plan.

(b) Stage 2 - Drought Warning

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section 2.7 of this Plan when:

1. **At any time the average daily water consumption reaches 100% of rated production and continues for a period of three consecutive days, the city manager shall implement compulsory compliance by all users in accordance with the conservation/drought contingency plan in accordance with standards of usage outlined within the plan and with the penalties established therein. Daily average water consumption is as determined by the City Public Works Department.**

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City will notify the media of the termination of Stage 2 in the same manner as the notification of Stage 1 of the Plan.

(c) Stage 3 - Drought Emergency

Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when:

1. **In the event the critical conditions persist for an extended period of time, the city may ration water usage or terminate service to selected users of the system in accordance with the following sequence:**
 - (A) **First: Industrial users.**
 - (B) **Second: Commercial users.**
 - (C) **Third: Residential users.**
 - (D) **Last: Public health and safety facilities.**

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City will notify the media of the termination of Stage 3 in the same manner as the notification of Stage 1 of the Plan.

1.9 Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section 2.8 of the Plan, shall determine that a Stage 1, 2 or 3 condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

Stage 1 - Drought Watch

Supply Management Measures:

1. **Inform public by mail and through the news media that a trigger condition has been reached and that water users should look for ways to reduce water consumption voluntarily.**
2. **Advise public of the trigger condition situation weekly.**
3. **Request water users to insulate pipes rather than allowing water to flow to keep pipe from freezing.**

Stage 2 - Drought Warning

Supply Management Measures:

1. **Continue implementation of all relevant actions in preceding phase.**
2. **Car washing, window washing, and pavement washing shall be prohibited except when a bucket is used.**
3. **A mandatory lawn watering schedule shall be implemented, so that customers will be required to limit outside watering to alternate days based on residents address as determined by City and not exceed once a week. A schedule should be published in all area newspapers and broadcast on local radio and television. Watering shall be limited to the hours of 6-10 a.m. and 8-10 p.m.**
4. **Shrubs and newly established lawn grasses may be watered with a hand held hose with a sprayer limiting nozzle discharge to 2.0 gpm.**
5. **The following public water uses, not essential for public health or safety, are prohibited:**

- Street washing**
- Water hydrant flushing**
- Filling pools**
- Golf course watering**

Stage 3 - Drought Emergency

Supply Management Measures:

1. **Prohibit all outdoor use.**
2. **Implement a user surcharge of \$4.00 per 1000 gallons for consumption over the following limits:**
 - Single family dwellings - 10,000 gallons/month
 - Multi-family dwellings - 8,000 gallons/month
 - Trailer Parks - 5,000 gallons/month
 - Commercial and Industrial Users by meter size:

<u>Meter Size</u>	
5/8 inch	10,000 gallons/month
1 inch	20,000 gallons/month
2 inches	40,000 gallons/month

3. City will investigate alternative water supplies and possible emergency supply sources.

1.10 Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from the City of San Saba for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager, or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50, and any other costs incurred by the City of San Saba in discontinuing service. In addition, suitable assurance must be given to the City Manager that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the City of San Saba, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (d) Any employee of the City of San Saba police officer, or other City employee designated by the City Manager, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

1.11 Variances

The City Manager, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of San Saba within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by the City of San Saba shall be subject to the following conditions, unless waived or modified by the City Manager or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

1.12 Wholesale Contracts – see also Drought Contingency Plan for Wholesale Customers

All future wholesale customer contracts or contract extensions to existing wholesale contracts shall include the following provision:

“In the case of a shortage of water resulting from drought, water to be distributed shall be divided in accordance with Texas Water Code §11.039.”

1.13 Severability

It is hereby declared to be the intention of the San Saba City Council that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the San Saba City Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

The fourth action item was to Discuss and Consider approving Ordinance No. 2020-07, an Ordinance of the City of San Saba, Texas, Amending and updating Chapter 13, Utilities, Article 13.04, Water Conservation and Drought Contingency, Section 13.04.005, Wholesale Public Water Supplier Drought Contingency Plan; Providing for Conflicting Ordinances, Severability, and Open Meetings; Providing for enforcement and Granting of Variances; Providing for Severability, and Effective Date and for Related Matters. City Manager Weik explained that again this Ordinance is a requirement of TCEQ and is renewed every five years, but the pertains to the Wholesale water the City sells to the City of Goldthwaite. Alderman Shawn Oliver made a motion to approve Ordinance No. 2020-07, seconded by Alderman Michael Nelson, and was unanimously approved by Council.

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS, AMENDING AND UPDATING CHAPTER 13, UTILITIES, ARTICLE 13.04, WATER CONSERVATION AND DROUGHT CONTINGENCY, SECTION 13.04.005, WHOLESALE PUBLIC WATER SUPPLIER DROUGHT CONTINGENCY PLAN; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, AND OPEN MEETINGS; PROVIDING FOR ENFORCEMENT AND GRANTING OF VARIANCES; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND FOR RELATED MATTERS

WHEREAS, the City of San Saba, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought;

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes;

WHEREAS, Sections 11.1271 and 11.1272 of the Texas Water Code and 30 Tex. Admin. Code 288.22, require all wholesale public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, the City adopted a Wholesale Drought Contingency Plan (“Plan”) in 2014 to protect the City’s public water supply system, as is set forth in Section 13.04.005, City of San Saba’s Code of Ordinances; and

WHEREAS, in the best interests of the citizens of San Saba, Texas and compliance with the Texas Water Code, such Plan is to be reviewed and updated every five (5) years; and

WHEREAS, the City has undertaken such review and update and the City Council deems it expedient and necessary to re-establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies through such updated Plan;

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amending and Updating of Chapter 13, Utilities, Article 13.04, Water Conservation and Drought Contingency Plan. The City Council, after a public review and discussion, hereby adopts the Wholesale Public Water Supplier Drought Contingency Plan for the City of San Saba attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City to be reflected in Section 13.04.005, San Saba Code of Ordinances as being updated.

Section 3. Amendment of Conflicting Ordinances. All ordinances 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 code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 4. Severability. If any section, subsection, sentence, or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected. It is the intent of the city council in adopting this Ordinance, that no provision or regulation contained herein shall become inoperative, or fail by reason of the unconstitutionality or invalidity of any other section, subsection, sentence or phrase of this Ordinance.

Section 5. Enforcement. Enforcement for wholesale purchased water customers are set forth in the Plan through surcharges, as follows:

- (a) 1.5 times the normal water charge per million gallons in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (b) 2.0 times the normal water charge per million gallons in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (c) 2.5 times the normal water charge per million gallons in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (d) 3.0 times the normal water charge per million gallons more than 15 percent above the monthly allocation.
- (e) The above surcharges shall be cumulative.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF SAN SABA, TEXAS, on the 11th day of August, 2020.

APPROVED:

ATTESTED TO:

Kenneth G. Jordan, MAYOR

Sabrina Maulsby, CITY SECRETARY

EXHIBIT "A"

WHOLESALE PUBLIC WATER SUPPLIER DROUGHT CONTINGENCY PLAN

CITY OF SAN SABA

**Drought Contingency Plan
City of San Saba
-- Wholesale Customers--**

Prepared for Review by the
Texas Commission on Environmental Quality

Plan prepared by
Jacob & Martin, Ltd
4365 Curry Lane
Abilene, Texas 79606

This plan must be renewed every five years and is therefore due for renewal by May 1, 2024.

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Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and/or to protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of San Saba adopts the following Public Water Supplier Drought Contingency Plan (the Plan).

Section II: Public Involvement

Opportunity for the public and wholesale water customers to provide input into the preparation of the Plan was provided by the City of San Saba by means of scheduling and providing public notice of a public meeting to accept input on the Plan.

Section III: Wholesale Water Customer Education

The City of San Saba will periodically provide wholesale water customers with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of mailing a copy of the Plan to the wholesale customers.

Section IV: Coordination with Regional Water Planning Groups

The water service area of the City of San Saba is located within the Lower Colorado (Region K) Regional Water Planning Group (RWPG) and the City of San Saba has provided a copy of the Plan to the Lower Colorado Region K RWPG.

Section V: Authorization

The City Manager or his/her designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section VI: Application

The provisions of this Plan shall apply to all customers utilizing water provided by the City of San Saba. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

All future wholesale customer contracts or contract extensions to existing wholesale contracts shall include the following provision:

“In the case of a shortage of water resulting from drought, water to be distributed shall be divided in accordance with Texas Water Code §11.039.”

Section VII: Criteria for Initiation and Termination of Drought Response Stage

The City Manager or his/her designee, shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Customer notification of the initiation or termination of drought response stages will be made by mail or telephone. The news media will also be informed.

The triggering criteria described below are based on the known system capacity of the City of San Saba.

Section VIII: Drought Response Stages

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation B Customers shall be requested to voluntary conserve water and adhere to the prescribed restrictions on certain water uses when:

1. Average daily water consumption reaches 90% of consumption capacity;
2. 90% consumption has existed for three days.

Requirements for termination - Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. The City of San Saba will notify its wholesale customers and the media of the termination of Stage 1 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation B Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses when:

1. Average daily water consumption reaches 100% of rated system capacity for any three day period and weather conditions indicate drought conditions will exist for five days or more;
2. Storage capacity is not being maintained during period of 100% rated capacity period;
3. One ground storage tank is taken out of service during mild drought conditions.

Requirements for termination - Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative. The City of San Saba will notify its wholesale customers and the media of the termination of Stage 2 in the same manner as the notification of initiation of Stage 1 of the Plan.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation B Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when:

1. Average daily water consumption reaches 110% of rated system capacity;
2. Average daily water consumption will not let storage levels be maintained;
3. System demand exceeds available high service pump capacity;
4. Any two conditions listed in moderate drought classification occur at the same time for a 24 hour period;
5. Water system is contaminated either accidentally or intentionally;
6. Water system fails from acts of God (tornadoes, floods) or man (Severe condition is reached immediately upon detection of this condition).

Requirements for termination - Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative. The City of San Saba will notify its wholesale customers and the media of the termination of Stage 3 in the same manner as the notification of initiation of Stage 2 of the Plan.

Section VIII: Drought Response Stages

The City Manager or his/her designee, shall monitor water supply and/or demand conditions and, in accordance with the triggering criteria set forth in Section VI, shall determine that mild, moderate, or severe water shortage conditions exist or that an emergency condition exists and shall implement the following notification procedures:

Stage 1 Response -- MILD Water Shortage Conditions

Target: Achieve a voluntary 10 percent reduction in daily water demand.

Best Management Practices for Supply Management:

1. *Reduce or discontinue flushing of water mains.*
2. *Inform all wholesale customers to initiate voluntary water restrictions and invoke stage 1 of the drought contingency plan.*

Water Use Restrictions for Reducing Demand:

(a) The City Manager or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use by implementing Stage 1 of the customer's drought contingency plan.

(b) The City Manager or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 2 Response -- MODERATE Water Shortage Conditions

Target: Achieve a 20 percent reduction in daily water demand.

Best Management Practices for Supply Management:

1. *Reduce or discontinue flushing of water mains.*
2. *Inform all wholesale customers to initiate mandatory water restrictions and invoke stage 2 of the drought contingency plan.*
3. *Reduce or discontinue all outdoor watering of city owned landscaping and properties with the exception of tree and shrub watering.*

Water Use Restrictions for Reducing Demand:

(a) The City Manager or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.

(b) The City Manager or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use.

(c) The City Manager or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in Section IX of the Plan.

(d) The City Manager or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Stage 3 Response -- SEVERE Water Shortage Conditions

Target: Achieve a 50 percent reduction in daily water demand.

Best Management Practices for Supply Management:

1. All requirements of stage 2 shall remain in effect during stage 3.
2. Discontinue all outdoor watering of city owned landscaping and properties including trees and shrubs.
3. Inform all wholesale customers to initiate mandatory water restrictions and invoke stage 3 of their drought contingency plans.

Water Use Restrictions for Reducing Demand:

(a) The City Manager or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use.

(b) The City Manager or his/her designee(s), will initiate pro rata curtailment of water diversions and/or deliveries for each wholesale customer according to the procedures specified in Section IX of the Plan.

(c) The City Manager or his/her designee(s) will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

Section IX: Pro Rata Water Allocation

In the event that the triggering criteria specified in Section VII of the Plan for Stage 3 - Severe Water Shortage Conditions have been met, the City Manager is hereby authorized initiate allocation of water supplies on a pro rata basis in accordance with Texas Water Code Section 11.039 and according to the following water allocation policies and procedures:

- (a) A wholesale customer’s monthly allocation shall be a percentage of the customer’s water usage baseline. The percentage will be set by resolution of the City Council based on the City Manager’s assessment of the severity of the water shortage condition and the need to curtail water diversions and/or deliveries and may be adjusted periodically by resolution of City of San Saba as conditions warrant. Once pro rata allocation is in effect, water diversions by or deliveries to each wholesale customer shall be limited to the allocation established for each month.
- (b) A monthly water usage allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer’s water usage baseline will be computed on the average water usage by month for the (e.g., 2009-2013) period as shown in the example given below. If the wholesale water customer’s billing history is less than 5 years, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists.

Alternative water sources

The city will investigate alternative water supplies and possible emergency supply sources.

Example Calculation of Monthly Allocation for a Hypothetical Wholesale Water Customer

	2009	2010	2011	2012	2013	SUM	AVE	ALLOCATION PERCENTAGE	MONTHLY ALLOCATION
Jan	133	137	146	148	156	719	144	75%	108
Feb	115	122	133	133	147	650	130	75%	98
March	130	150	146	149	159	734	147	75%	110
April	130	167	168	157	187	808	162	75%	122
May	160	152	179	183	171	845	169	75%	127
June	226	184	172	205	249	1,035	207	75%	155
July	235	274	232	314	246	1,301	260	75%	195
Aug	222	203	206	337	309	1,277	255	75%	191
Sept	199	160	196	229	198	982	196	75%	147
Oct	165	172	197	165	185	884	177	75%	133
Nov	139	142	149	153	162	745	149	75%	112
Dec	142	143	150	156	165	755	151	75%	113
Total	1,995	2,006	2,072	2,330	2,333		2,333		

*UNITS IN MILLION GALLONS

- (c) The City Manager shall provide notice, by certified mail, to each wholesale customer informing them of their monthly water usage allocations and shall notify the news media and the executive director of the Texas Commission on Environmental Quality upon initiation of pro rata water allocation and any implementation of any mandatory provision.

- (d) Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the wholesale customer's normal water usage; (2) the customer agrees to transfer part of its allocation to another wholesale customer; or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the San Saba City Council.

Section X: Enforcement

During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

- (f) 1.5 times the normal water charge per million gallons in excess of the monthly allocation up through 5 percent above the monthly allocation.
- (g) 2.0 times the normal water charge per million gallons in excess of the monthly allocation from 5 percent through 10 percent above the monthly allocation.
- (h) 2.5 times the normal water charge per million gallons in excess of the monthly allocation from 10 percent through 15 percent above the monthly allocation.
- (i) 3.0 times the normal water charge per million gallons more than 15 percent above the monthly allocation.
- (j) The above surcharges shall be cumulative.

Section XI: Variances

The City Manager or his/her designee, may, in writing, grant a temporary variance to the pro rata water allocation policies provided by this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the public health, welfare, or safety and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the City Manager within 5 days after pro rata allocation has been invoked. All petitions for variances shall be reviewed by the San Saba City Council and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Detailed statement with supporting data and information as to how the pro rata allocation of water under the policies and procedures established in the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this resolution.

- (c) Description of the relief requested.
- (d) Period of time for which the variance is sought.
- (e) Alternative measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (f) Other pertinent information.

Variances granted by the San Saba City Council shall be subject to the following conditions, unless waived or modified by the San Saba City Council or its designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section XII: Severability

It is hereby declared to be the intention of the San Saba City Council that the sections, paragraphs, sentences, clauses, and phrases of this Plan are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the San Saba City Council without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

The fifth action item was to Approve Resolution No. 2020-31 appointing Jason Phillips to the San Saba Economic Development Corporation, replacing retired Board Member Owen Parks, term expiring January 2021. City Manager Weik explained, that at the last EDC Meeting, Jason Phillips was appointed to Board, replacing Owen Parks. Mr. Weik said that he felt that Jason will be an asset to the EDC Board as well as the City. Alderman Oleta Behrens made a motion to approve Resolution No. 2020-31, seconded by Alderman Shawn Oliver, and was unanimously approved by Council.

RESOLUTION NO. 2020-31

WHEREAS, the City Council of the City of San Saba, is the governing body of the San Saba Economic Development Corporation, and

WHEREAS, the City Council of the City of San Saba has the authority to appoint directors to the San Saba Economic Development Corporation, and

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of San Saba hereby appoints Jason Phillips, replacing Board Member Owen Parks, term expiring January 2021.

Passed and approved this 11th day of August, 2020.

CITY MANAGER’S REPORT

City Manager Weik reported on the following activities in the City of San Saba: The Project on Bluffton continues to improve; there a several small construction jobs in town; a lady wants to lease the land the City owns by the Nursing Home for goats and we don’t see a problem at this time, but are checking to see what the going rate is; a lot of families at the beach every morning; Another successful Golf Tournament this last weekend; Utility usage has been out of sight due to the extreme heat and people staying home due to the COVID-19.

OTHER REPORTS

Scott Glaze, Public Works Director reported that the TDA Project is complete and the pumps and wells are upgraded on the Distribution side of the Water; Jesse and I will meet for the final inspection next Thursday regarding the TDA Project; the Wall installation at Mill Pond Park, by the Gazebo should be complete tomorrow or Thursday and Kathleen Hawkins has been overseeing the Project with Farrell Whitley; the Street Department has chip sealed the road by the Car Wash and will be rehabbing the street next to Jody Fauley’s Business;

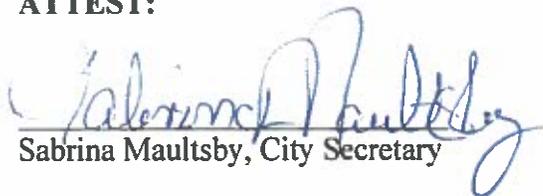
Alderman Michael Nelson asked about Lowe’s Supermarket and if they still plan to rebuild. City Manager Weik explained that they are waiting on the Insurance Company. Lowes had the slab core tested and the slab is not sufficient to rebuild on and they can’t move forward until the Insurance Company is complete.

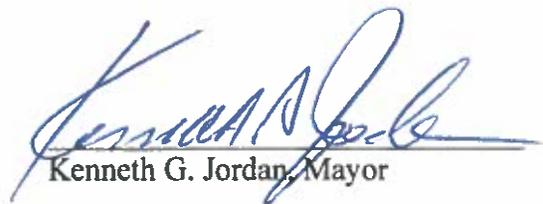
As there was no further discussion, the meeting adjourned at 6:22 p.m. to the Budget Workshop.

Council members took a brief recess before beginning the Budget Workshop. The Budget Workshop for the 2020-2021 fiscal year was discussed. This was the final Budget Workshop meeting and Debt Service (Revenue and Expenses), the Revenue portion of all department budgets, with the exception of Golf were discussed. No final decisions were made regarding budgets at this meeting.

The meeting adjourned at 6:41 p.m.

ATTEST:


Sabrina Maulsby, City Secretary


Kenneth G. Jordan, Mayor