

**MINUTES**  
**MEETING OF THE CITY COUNCIL**  
**OF THE CITY OF SAN SABA**  
**November 14, 2023**

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

Mayor Kenneth Jordan was absent

Others present were:               Sabrina Maulsby – City Secretary  
  Charlene Lindsay – City Treasurer  
  Scott Glaze – Public Works Director  
  John Bauer – Police Chief  
  James Yarbrough – Code Enforcement Official  
  Jose Valesquez – Napoli’s Italian Restaurant  
  David Bush - Citizen  
  Susan Kisko – San Saba Garden Club  
  Debbie Shahan – San Saba Garden Club President  
  Janice Bates – San Saba Garden Club  
  Jan Beaver - San Saba Garden Club  
  Paul Beaver - San Saba Garden Club  
  Joanne Weik – Planning & Zoning Commission Member

At 6:00 p.m. Mayor Pro-Tem Robert Whitten called the meeting to order, announced a quorum present, and led the Invocation and Pledges.

**PUBLIC HEARING:**

The first public hearing was opened to consider approving a Variance for Ashleigh Broderick owner of Napoli’s Italian Restaurant requesting that the San Saba City Council approve a Variance to the Existing Alcohol Zoning requirements, Place of Business is within 300 ft. for a Church, Alcoholic Beverage Code 190.33 (a)1, for Property located at 210 E. Commerce Street, legal description Block 25, Old Town San Saba, N 1/3 (Commerce and Clear) currently zoned Commercial (C-2).

The Planning and Zoning Commission met in Open Session on June 22, 2022 and voted 5 to 0 Vote in favor of approving a Variance to the Existing Alcohol Zoning Requirements.

There were no comments or objections to this variance.

The second public hearing was opened, David and Kallie Bush are requesting that the Planning & Zoning Commission and the San Saba City Council approve a variance to the zoning ordinance in regard to the City of San Saba's minimum building line setback requirements for property located at 2508 Westview Circle, San Saba, Texas, Legal Description, Westview Terrace Subdivision, Lot Numbers 17 and 18, and Size 0.26 AC, for a Variance to construct a new carport, zoned One-Family Residence District (R-2).

The Planning and Zoning Commission met in Open Session on November 2, 2023, and voted 4 to 0 Vote in favor of approving a Variance to the zoning ordinance in regard to the City of San Saba's minimum building line setback requirements for property located at 2508 Westview Circle, San Saba, Texas.

David Bush addressed the City Council and explained that the previous owners enclosed the garage, and they are needing a carport. Their plans are to install a carport out of metal with 4x4 metal posts and an asphalt shingle roof to match the house.

The third public hearing was opened, the San Saba Garden Club Members are requesting that the Planning & Zoning Commission and the San Saba City Council approve a Name Change for a portion of E. Commerce Street to Farrel Whitley Lane in Honor of Farrel Whitley, former City of San Saba employee. The portion of E. Commerce Street the San Saba Garden is requesting to change is from Thomas Stewart Drive and E. Commerce Street to E. Commerce Street and Mill Street located within Mill Pond Park, San Saba, Texas, San Saba County.

The Planning and Zoning Commission met in Open Session on November 2, 2023, and no motion was made so the item died for lack of a motion.

Susan Kisko addressed the Council and explained that members of the Garden Club had attended the City Council meeting on June 12, 2023 and presented to the City Council honoring former employee Farrel Whitley for his work done in Mill Pond Park.

**PUBLIC COMMENTS:** None

**PRESENTATIONS:** None – November Employee of the Month will be presented at the December meeting.

**CONSENT AGENDA:**

On a motion by Alderman Shawn Oliver, seconded by Alderman Michael Nelson, Council unanimously approved the following: minutes from the October 10, 2023, council meeting; and payment of bills.

**DISCUSSION/ACTION ITEMS:**

**The first item for discussion/action** was to Discuss and consider approval of Resolution No. 2023-42, approving the budget amendments for FY 2022-2023. Alderman Michael Nelson made the motion to approve Resolution No. 2023-42 approving the budget amendments for FY 2022-2023, Alderman Oleta Behrens seconded the motion and was unanimously passed.

**RESOLUTION 2023-42**

<b>STATE OF TEXAS</b>	<b>X</b>
	<b>X</b>
<b>COUNTY OF SAN SABA</b>	<b>X</b>

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS, APPROVING BUDGET AMENDMENTS FOR THE 2022-2023 FISCAL YEAR.**

**WHEREAS**, in order to provide for the necessary functions and operations of all City departments, line-item amendments were needed;

**WHEREAS**, Texas law provides for line-item amendments to amend the budget;

**WHEREAS**, the total Final Budget for the 2022-2023 Fiscal year does change;

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

**That the City Council approves the budget line-item amendments for the 2022-2023 fiscal year.**

**Passed and approved this 14<sup>th</sup> day of November, 2023.**

**The second action item** was to Discuss and consider approving Resolution No. 2023-43, a Resolution of the City of San Saba, Texas approving a Variance to the Existing Alcohol Zoning requirements, Place of Business is within 300 ft. of a Church, Alcoholic Beverage Code 190.33 (a)1, for Napoli’s Italian Restaurant, Property located at 210 E. Commerce Street, San Saba, Texas. Alderman Shawn Oliver made the motion to approve Resolution No. 2023-43, seconded by Alderman Marcus Amthor and Resolution No. 2023-43 was unanimously passed.

**RESOLUTION NO. 2023-43**

**A RESOLUTION APPROVING A VARIANCE FROM ARTICLE 4.02, ALCOHOLIC BEVERAGES, SECTION 4.02.001, SALE NEAR SCHOOL, CHURCH OR HOSPITAL TO ALLOW BEER AND WINE FOR A TEXAS ALCOHOL BEVERAGE COMMISSION AND OTHER RELATED MATTERS.**

**WHEREAS**, Article 4.02, Alcoholic Beverages, Section 4.02.01, Sale Near School, Church or Hospital, of the San Saba City Code of Ordinances authorizes City Council to grant variances from the alcohol spacing requirements prescribed by 109.33 of the Texas Alcoholic Beverage Code ("TABC"); and

**WHEREAS**, Napoli's Italian Restaurant, located at 210 East Commerce Road, San Saba, Texas, has submitted an application for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store with 10,000 square feet or more of floor area; and

**WHEREAS**, the City's ordinance relative to spacing from churches, public schools and public hospitals requires such permitted location be three (300) feet from the churches, public schools and public hospitals; First Presbyterian Church, located at 207 E. Commerce Street, San Saba, Texas 76877 is within sixty (60) feet; and

**WHEREAS**, City Council, after having two public hearings and consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

1. is not in the best interest of the public;
2. constitutes waste or inefficient use of land or other resources;
3. creates an undue hardship on an applicant for an alcohol permit;
4. does not serve its intended purpose; and
5. is not effective or necessary; and

**WHEREAS**, City Council desires to grant the alcohol spacing variance.

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

1. That the above referenced findings are hereby incorporated herein to this Resolution;
2. That the City Council, as the governing board of the City of San Saba, Texas, and pursuant to Section 109.33(e), Texas Alcoholic Beverage Code, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds and determines herein that it is in the best interest of the community to approve and grant a variance, and hereby grants a variance, from the applicable provisions of Article 4.02, Alcoholic Beverages, Section 4.02.01, Sale Near School, Church or Hospital, of the San Saba City Code of Ordinances for the following business at the following location: Napoli’s Italian (Grill) Restaurant, 210 E. Commerce Street, San Saba, Texas 76877. This variance shall remain in effect for so long as: such TABC permit is in effect at such location and for such business.

Passed by the City Council on this 14<sup>th</sup> day of November, 2023.

**The third action item** was to Discuss and Consider Approving Ordinance No. 2023-13, an Ordinance Granting a Variance to the Existing Zoning Ordinance in regard to the City of San Saba’s Minimum building line setback requirements for property located at 2508 Westview Terrace Subdivision, Lot Numbers 17 and 18, and Size 0.26 AC, for a Variance to construct a new Carport zoned One-Family Residence District (R-2). Alderman Marcus Amthor made a motion to approve Ordinance No. 2023-13, Seconded by Alderman Shawn Oliver, and was unanimously approved by all.

ORDINANCE 2023-13

AN ORDINANCE TO ISSUE A VARIANCE TO THE ESTABLISHED SET BACK BUILDING REQUIREMENTS WITHIN THE CITY OF SAN SABA, TEXAS CURRENT ZONING ORDINANCE

WHEREAS, David and Kallie Bush, owners, have applied to the Planning and Zoning Commission requesting a Variance to the minimum setback building line on their property located at 2508 Westview Circle to construct a new carport; and,

WHEREAS, the said Planning and Zoning Commission proceeded to hear said Variance to the zoning changes in accordance with the requirements of the Zoning Ordinance of the City of San Saba, Texas; and,

WHEREAS, the said Planning and Zoning Commission, after duly considering said Variance to zoning changes in accordance with the provisions of said Ordinance, did recommend to the City Council of the City of San Saba that such requested Variance to zoning changes be granted; and,

WHEREAS, the City Council of the City of San Saba did give notice as required by said Zoning Ordinance for a public hearing to be held on same in accordance with the said Zoning Ordinance, which hearing was set for Tuesday, November 14<sup>th</sup>, 2023 at 6:00 p.m.; and,

WHEREAS, after deliberation on the facts involved in the Variance to the zoning change, the City Council of the City of San Saba is of the opinion that such Variance to zoning change should be made.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS that the property located at 2508 Westview Circle is hereby issued a Variance to the setback building line requirements to construct a new carport.

PASSED AND APPROVED this the 14<sup>th</sup> day of November 2023.

**The fourth action item** was to Discuss and Consider Approving Ordinance No. 2023-14, an Ordinance of the City of San Saba, Texas approving a Name Change for a portion of E. Commerce Street to Farrel Whitley Lane in Honor of Farrel Whitley, former City of San Saba employee. The portion of E. Commerce Street the San Saba Garden Club is requesting to change is from Thomas Stewart Drive and E. Commerce Street to E. Commerce Street and Mill Street located withing Mill Pond Park, San Saba, Texas, San Saba County. No motion was made so the Action Item died for lack of a motion.

**The fifth action item** was to Discuss, Consider, and Approve Ordinance No. 2023-15, an Ordinance of the City of San Saba Rescinding and Repealing Article 8.02 Minors of the San Saba Code of Ordinances which Established a Juvenile Curfew; Providing a Severability Clause; Providing a Savings Clause; Providing for an Effective Date. Alderman Michael Nelson made a motion to approve Ordinance No 2023-15, seconded by Alderman Oleta Behrens and was unanimously approved by all.

**ORDINANCE NO. 2023-15**

**AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS, RESCINDING AND REPEALING ARTICLE 8.02 MINORS OF THE CITY OF SAN SABA CODE OF ORDINANCES WHICH ESTABLISHED A JUVENILE CURFEW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of San Saba (“City”), located in San Saba County, Texas, is a Type A, general law municipality authorized under Texas state law to legislate in the best interests of its residents; and

**WHEREAS**, Section 51.001 of the Texas Local Government Code provides, in part, that the City “may adopt . . . an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality . . . and is necessary or proper for carrying out a power granted by law to the municipality”; and

**WHEREAS**, the City Council adopted a juvenile curfew pursuant to Ordinance Number 1995-1 adopted on May 8, 1995 that was codified in the City of San Saba Code of Ordinances in Article 8.02 Minors (the “Juvenile Curfew Ordinance”); and

**WHEREAS**, the Texas 88<sup>th</sup> Legislature, in its regular session, enacted House Bill 1819 prohibiting a political subdivision from adopting or enforcing an ordinance that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age; and

**WHEREAS**, the City desires to comply with House Bill 1819 and rescind and repeal the Juvenile Curfew Ordinance.

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

**Section 1. Enactment.** The Juvenile Curfew Ordinance codified in Article 8.02 Minors, contained in the City of San Saba Code of Ordinances, is hereby rescinded and repealed in its entirety.

**Section 2. Severability Clause.** If any section, subsection, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holdings shall not affect the validity of the remaining portions thereof.

**Section 3. Savings Clause.** All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed. The balance of such ordinance not in conflict is hereby saved from repeal.

**Section 4. Effective Date.** This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication of the caption of the Ordinance in a newspaper of general circulation within the City, as may be required by law.

**PASSED AND APPROVED** this 14<sup>th</sup> day of November, 2023.

The sixth action item was to Discuss and Consider Approval of Ordinance No. 2023-16 amending Ordinance No. 2023-08 Specifically “Exhibit A” Fee Schedule Associated with Sanitation Service Fees. Alderman Shawn Oliver made a motion to approve Ordinance No. 2023-16, seconded by Alderman Marcus Amthor and was unanimously approved by all.

**ORDINANCE NO. 2023-16**

**AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS, FINDING THE NEED TO AMEND THE MUNICIPAL FEES AND FEE SCHEDULE TO MODIFY FEES ASSOCIATED WITH UTILITY FEES FOR WASTE DISPOSAL; PROVIDING OF A REPEALER; PROVIDING EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City Council of the City of San Saba is allowed to implement various fees as part of adopting various ordinances and agreements; and

**WHEREAS**, the Council has reviewed the sanitation disposal fees set forth in the current Fee Schedule for FY23-24 and has determined that the Fees set forth in Division 3 Sanitation Service, Sec. A5.061 Waste Disposal needs to be modified repealing Noncounty Resident Waste Disposal order to conform to the City of San Saba TCEQ Registration requirements, not to exceed twenty tons per day.

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

Section 1. Findings of Fact. All of the above premises and recitations are found to be true and correct and are incorporated into the body of this Ordinance as findings of fact, as if copied herein in their entirety.

Section 2. Amendment to Division 3, Sanitation Service, Section A5.061, Waste Disposal. The following Section A5.061 Waste Disposal, shall be amended and now read as follows:



**Division 3. Sanitation Service**

**Sec. A5.061 Waste disposal**

	<b>County Resident</b>
Bag	\$3.75 each
Loose	\$71.00/per ton
Compacted	\$71.00/per ton
Construction	\$71.00/per ton
Passenger tires	\$3.00/tire less than 17.5
Truck tires	\$7.00/tire
Oil filters	\$1.00 each
Oil	\$.25/gallon
Removal of freon	\$15.00/unit
Used lumber not stacked	\$30.00/hour for labor
Shingles (no asbestos shingles accepted)	\$71.00/per ton
Brush	\$0.00
Carcass	\$10.00

Section 4. Fee Schedule. The Fee Schedule for FY 23-24 previously adopted shall be amended to reflect the modification to the charges that will be repealed for the Sanitation Services for Waste Disposal. A true copy of the Fee Schedule for FY 23-24, Version 11142023 is attached hereto as Exhibit “A,” and made a part hereof for all purposes, the same as if fully copied herein.

Section 5. Repeal. All prior Resolutions or Ordinances amending and/or adopting a Fee Schedule are hereby repealed to the extent that they address a fee outlined herein.

Section 6. Effective Date. This Ordinance shall become effective on November 14, 2023, subject to publication, and it is accordingly so resolved.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**PASSED AND APPROVED AND ADOPTED** this the 14th day of November, 2023.

**The seventh action item** was to Discuss, Consider, and Approve Resolution No. 2023-44, a Resolution of the City of San Saba, Texas regarding a Contract for the Purpose of Financing a “Police Responder Vehicle and Equipment”. Alderman Marcus Amthor made a motion to approve Resolution No. 2023-44, seconded by Alderman Shawn Oliver and unanimously approved by all.

### **RESOLUTION NO. 2023-44**

#### A RESOLUTION REGARDING A CONTRACT FOR THE PURPOSE OF FINANCING A ***"POLICE RESPONDER VEHICLE AND EQUIPMENT"***.

WHEREAS, City of San Saba (the "Issuer") desires to enter into that certain Finance Contract by and between the Issuer and Government Capital Corporation ("GCC") for the purpose of financing a "Police Responder Vehicle and Equipment". The Issuer desires to designate this Finance Contract as a "qualified tax-exempt obligation" of the Issuer for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

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

Section 1. That the Issuer will enter into a Finance Contract with GCC for the purpose of financing a "Police Responder Vehicle and Equipment".

Section 2. That the Finance Contract by and between the City of San Saba and GCC is designated by the Issuer as a "qualified tax-exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the Issuer appoints the City Manager or the City Manager's designee, as the authorized signer of the Finance Contract by and between the City of San Saba and GCC as well as any other ancillary exhibit, certificate, or documentation needed for the Contract.

Section 4. The Issuer will use loan proceeds for reimbursement of expenditures related to the Property, within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended.

This Resolution has been PASSED upon Motion made by Council Member Marcus Amthor, seconded by Council Member Shawn Oliver by a vote of 5 Ayes to 0 Nays and is effective this 14<sup>th</sup> day of November, 2023.

**The eighth action item** was to Discuss, Consider, and Approve Resolution No. 2023-45, a Resolution of the City of San Saba, Texas regarding a Contract for the Purpose of Financing a “Body Cameras and Related Equipment”. Alderman Michael Nelson made a motion to approve Resolution No. 2023-45, seconded by Alderman Oleta Behrens and unanimously approved by all.

**RESOLUTION # 2023-45**

A RESOLUTION REGARDING A CONTRACT FOR THE PURPOSE OF FINANCING  
**"BODY CAMERAS AND RELATED EQUIPMENT".**

WHEREAS, City of San Saba (the "Issuer") desires to enter into that certain Finance Contract by and between the Issuer and Government Capital Corporation ("GCC") for the purpose of financing "Body Cameras and related equipment".

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

Section 1. That the Issuer will enter into a Finance Contract with Government Capital Corporation for the purpose of financing "Body Cameras and related equipment".

Section 2. That the Issuer appoints the City Manager or the City Manager's designee, as the authorized signer of the Finance Contract by and between the City of San Saba and Government Capital Corporation as well as any other ancillary exhibit, certificate, or documentation needed for the Contract.

This Resolution has been PASSED upon Motion made by Council Member Michael Nelson, seconded by Council Member Oleta Behrens by a vote of 5 Ayes to 0 Nays and is effective this 14<sup>th</sup> day of November, 2023.

**CITY MANAGER'S REPORT:** Scott Edmonson, City Manager reported on the following activities in the City of San Saba: Read a letter of appreciation from the Dove Project for Luis Rios; the Splash Pad has been moved to December; Chase Pecan Agreement for the addition of the electrical upgrade for the new addition has been executed; the Engineers have started work on the DRP Sidewalk grant; Christmas lights are 99% complete; Working on Christmas Floats; KSSB replanted the pots; working on sprucing up Downtown for Sip-N-Stroll; Buce Stewart will be retiring and Paul Stewart will be shadowing him for the next month to take his position; Wayne Yarbrough will be attending Code Enforcement School; Juan Diaz is a new hire employee in the Parks Department; Courtney Grady is a new hire in the Police Department as the Admin Assistant; Cudos to Jason Vogel for doing well on an unexpected visit from State Inspectors, saying he is a model facility for 50K and less animal shelters.

**OTHER REPORTS:**

Scott Glaze, Code Enforcement Officer reported that at the Water Plant the Soft Start and VFD have been installed and removed the old valve making it now modernized and simple; Jesse Hunt is waiting on the startup with the Technician.

**CITY COUNCIL MINUTES**


**NOVEMBER 14, 2023**

James W. Yarbrough, new Code Inspector reported: Great job but the job is a little on the tough side dealing with pickups, pallets, four yards mowed; feel I am making progress by first going by and talking to them about the situation.

As there was no further discussion, the meeting adjourned at 6:33 p.m.

**ATTEST:**

  
Sabrina Maultsby, City Secretary

  
Kenneth Jordan, Mayor