

**MINUTES
MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN SABA
March 9, 2021**

Members in attendance were: Kenneth Jordan – Mayor
Oleta Behrens - Alderman
Marcus Amthor – Alderman
Michael Nelson – Alderman
Shawn Oliver - Alderman
Scott Glaze – Assistant City Manager

Mayor Pro-Tem Robert Whitten was absent.

Others present were: Sabrina Maulsby – City Secretary
Charlene Lindsay – City Treasurer
Joseph Sutton – Parks Department
Jesse Hunt – Water/Wastewater Superintendent
Robbie Hensley – Water/Wastewater Foreman
Angie Chandler – Dove Project Executive Director
Briane Woolsey – Dove Project Coordinator
Djuana Peyton – San Saba News & Star
Javier Baez - Citizen
Javier Baez, Jr. – 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:

Angie Chandler, Dove Project Executive Director and Briane Woolsey, Dove Project Coordinator signed up to speak. Briane Woolsey addressed the City Council and invited everyone to the Annual Golf Tournament on April 3, 2021 and Tee time is at 12:00 p.m. She also explained that the Fund Raiser Event is a four-person scramble and the cost is two-hundred (\$200.00) dollars per team and hoped to see everyone there.

PRESENTATIONS:

Jesse Hunt, Electric Department Supervisor was selected as Supervisor of the Quarter for the first Quarter. Assistant City Manager Scott Glaze, and Mayor Ken Jordan presented Jesse with a plaque with his name on it and a gift certificate to a local restaurant.

Robbie Hensley, Water/Wastewater Foreman, was selected as the Employee of the Month for March. Assistant City Manager Scott Glaze, and Mayor Ken Jordan presented Robbie with a plaque with his name on it and a gift certificate to a local restaurant.

CONSENT AGENDA:

On a motion by Alderman Oliver, seconded by Alderman Nelson, Council unanimously approved the following: approved minutes from the February 11th, 2021 Council Meeting and the February 24th, 2021 Special Called Council Meeting; payment of bills; and approved the Acceptance of Update 2020 Racial Profiling Report.

Racial Profiling Report | Full

Agency Name: SAN SABA POLICE DEPT.
Reporting Date: 01/08/2021
TCOLE Agency Number: 411202

Chief Administrator: ARTHUR R. RIGGS

Agency Contact Information:
Phone: (325) 372-5144
Email: police@centex.net

Mailing Address:
P.O. BOX 788
303 SOUTH CLEAR
SAN SABA, TX 76877-0788

This Agency filed a full report

SAN SABA POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the SAN SABA POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the SAN SABA POLICE DEPT. if the individual believes that a peace officer employed by the SAN SABA POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the SAN SABA POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the SAN SABA POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The SAN SABA POLICE DEPT, has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: Arthur R. Riggs
Chief of Police

Date: 01/08/2021

Motor Vehicle Racial Profiling Information

Total stops: 444

Street address or approximate location of the stop

City street	421 95%
US highway	1 .022%
County road	4 .9%
State highway	1 .022%
Private property or other	17 3.82%

Was race or ethnicity known prior to stop?

Yes	25 5.63%
No	419 94.37%

Race / Ethnicity

Alaska Native / American Indian	1 .022%
Asian / Pacific Islander	1 .022%
Black	14 3.15%
White	314 70.72%
Hispanic / Latino	103 23.19%

Gender

Female	128 28.82%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	128 100%
Hispanic / Latino	0
Male	308 69.36%
Alaska Native / American Indian	1 .32%
Asian / Pacific Islander	1 .32%
Black	14 4.5%
White	197 63.96%
Hispanic / Latino	103 33.44%

Reason for stop?

Violation of law	116 26.12%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	128 28.82%

Hispanic / Latino	103 23.17%
Preexisting knowledge	4 0.9%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	4
Hispanic / Latino	0
Moving traffic violation	199 44.81%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	14 7%
White	96 48.2%
Hispanic / Latino	103 51.7%
Vehicle traffic violation	125 28.1%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	125 100%
Hispanic / Latino	0
Was a search conducted?	
Yes	25 5.6%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	25 100%
Hispanic / Latino	0
No	419 94.3%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Reason for Search?	
Consent	41 9.2%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	41 100%

Hispanic / Latino	0		
Contraband	1	0.2%	
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	1	100%	
Hispanic / Latino	0		
Probable	9	2%	
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	9		
Hispanic / Latino	0		
Inventory	25	5.6%	
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	25	100%	
Hispanic / Latino	0		
Incident to arrest	3	0.6%	
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	3	100%	
Hispanic / Latino	0		
Was Contraband discovered?			
Yes	79	17.7%	
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	79		
Hispanic / Latino	0		
No	366	82.4%	
Alaska Native / American Indian	0		
Asian / Pacific Islander	0		
Black	0		
White	366	100%	
Hispanic / Latino	0		

Did the finding result in arrest?	
(total should equal previous column)	
Yes	0
No	0
Yes	0
No	0
Yes	0
No	0
Yes	79
No	0
Yes	0
No	0

Description of contraband	
Drugs	28 6.3%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	28 100%
Hispanic / Latino	0
Weapons	1 0.2%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1 100%
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	16 3.1%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	16 100%
Hispanic / Latino	0
Stolen property	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Result of the stop	
Verbal warning	0

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Written warning	225 50.6 %
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	225 100 %
Hispanic / Latino	0
Citation	184 41.4 %
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	184 100 %
Hispanic / Latino	0
Written warning and arrest	3 0.67 %
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3 100 %
Hispanic / Latino	0
Citation and arrest	12 2.7 %
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	12 100 %
Hispanic / Latino	0
Arrest	7 1.5 %
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	7 100 %
Hispanic / Latino	0
Arrest based on	
Violation of Penal Code	11 2.4 %
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	0
White	11 100%
Hispanic / Latino	0
Violation of Traffic Law	6 1.3%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	6 100%
Hispanic / Latino	0
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	5 1.1%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	5 100%
Hispanic / Latino	0

Was physical force resulting in bodily injury used during stop?

Yes	5 1.1%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	5
Hispanic / Latino	0
No	426 95.9%
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Submitted electronically to the



The Texas Commission on Law Enforcement

Motor Vehicle Racial Profiling Information

Total stops: 444

Street address or approximate location of the stop	
City street	421
US highway	1
County road	4
State highway	1
Private property or other	17
Was race or ethnicity known prior to stop?	
Yes	25
No	419
Race / Ethnicity	
Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	14
White	314
Hispanic / Latino	103
Gender	
Female	128
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	128
Hispanic / Latino	0
Male	308
Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	14
White	197
Hispanic / Latino	103
Reason for stop?	
Violation of law	116
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	128

3 of 9

Motor Vehicle Racial Profiling Information

Total stops: 444

Street address or approximate location of the stop

City street: 95th

US highway: 02nd

State highway: 22nd

County road: 9th

Private property or other: 5.8th

Was race or ethnicity known prior to stop?

Yes: 5.6%

No: 94.3%

Race or ethnicity

Alaska Native/American Indian: 0.2%

Asian/Pacific Islander: 0.2%

Black: 3.1%

White: 90.7%

Hispanic/Latino: 5.1%

Gender

Female: 125

Total 28.8%

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Male: 308

Total 179.3%

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Reason for stop?

Violation of law: 116

Total 216.12%

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0

White 28.8% Hispanic/Latino 23.17%

Pre existing knowledge: 4

Total 0.9%

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0

White 100% Hispanic/Latino 0

Moving traffic violation: 199

Total 44.81%

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 7%

White 48.2% Hispanic/Latino 51.7%

Vehicle traffic violation: 125

Total 28.1%

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0

White 100% Hispanic/Latino 0

Was a search conducted?

Yes: 25

Total 5.6%

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0

White 100% Hispanic/Latino 0

No: 0

Total 0

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0

White 0 Hispanic/Latino 0

Reason for Search?

Consent: 41

Total 9.2%

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0

White 100% Hispanic/Latino 0

Contraband: 1

Total .2%

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0

White 100% Hispanic/Latino 0

Probable cause: 9

Total 290

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 290 Hispanic/Latino 0

Inventory: 25

Total 516.90

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Incident to arrest: 3

Total 0.690

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 3

White 100% Hispanic/Latino 0

Was Contraband discovered?

Yes: 79

Total 17.790

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% 90

Hispanic/Latino 0

Did the finding result in arrest (total should equal previous column)?

Yes No

Yes No

Yes No

Yes 79 No

Yes No

No: 306

Total 82.490

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Description of contraband

Drugs: 28

Total 10.390

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Currency: 0

Total 0

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0
 White 0 Hispanic/Latino 0

Weapons: 1

Total 0.2%
 Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0
 White 100% Hispanic/Latino 0

Alcohol: 10

Total 5.6%
 Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0
 White 100% Hispanic/Latino 0

Stolen property: 0

Total 0
 Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0
 White 0 Hispanic/Latino 0

Other: 0

Total 0
 Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0
 White 0 Hispanic/Latino 0

Result of the stop

Verbal warning: 0

Total 0
 Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0
 White 0 Hispanic/Latino 0

Written warning: 225

Total 50.6%
 Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0
 White 100% Hispanic/Latino 0

Citation: 184

Total 41.4
 Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0
 White 100% Hispanic/Latino 0

Written warning and arrest: 3

Total 0.67%

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Citation and arrest: 12

Total 2.7

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Arrest: 7

Total 1.5%

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Arrest based on

Violation of Penal Code: 11

Total 2.4%

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Violation of Traffic Law: 6

Total 1.3%

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Violation of City Ordinance: 0

Total 0

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 0 Hispanic/Latino 0

Outstanding Warrant: 5

Total 1.1%

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 100% Hispanic/Latino 0

Was physical force resulting in bodily injury used during stop

Yes: 5

Total 1.1%

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0

White 100% Hispanic/Latino 0

No: 426

Total 95.9%

Alaska Native/American Indian 0 Asian/Pacific Islander 0 Black 0

White 0 Hispanic/Latino 0

Number of complaints of racial profiling

Total 0

Resulted in disciplinary action 0

Did not result in disciplinary action 0 100%

Submitted electronically to the



The Texas Commission on Law Enforcement

DISCUSSION/ACTION ITEMS:

The first action item was to discuss and consider approval of Resolution No. 2021-07 canceling the City Council Election and accepting the Certification of Unopposed Candidates for the May 1, 2021 City Council election declaring the unopposed candidates elected to office. Alderman Shawn Oliver made a motion to approve Resolution No. 2021-07 canceling the City Council Election and accepting the Certification of Unopposed Candidates for the May 1, 2021 City Council declaring the unopposed candidates elected to office, seconded by Alderman Oleta Behrens, and passed unanimously.

RESOLUTION NO. 2021-07

A RESOLUTION CANCELLING THE CITY COUNCIL ELECTION CURRENTLY SCHEDULED FOR MAY 1, 2021 AND DECLARING SHAWN OLIVER, MARCUS AMTHOR, AND MICHAEL NELSON REELECTED AS SAN SABA CITY COUNCIL MEMBERS FOR TWO YEAR TERMS, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.

WHEREAS, A San Saba City Council election is currently slated for Saturday, May 1, 2021; and

WHEREAS, the San Saba City Secretary has certified in writing that Shawn Oliver, Marcus Amthor, and Michael Nelson as Council Members are the only three candidates on the ballot for the three open positions and thus unopposed; and

WHEREAS, the Election Code provides for the cancellation of an election and the declaration of the unopposed candidates as elected to office; and

WHEREAS, it is desired to not incur public expense by conducting an unopposed election.

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

The City Council election slated for Saturday, May 1, 2021 is hereby cancelled and that Shawn Oliver, Marcus Amthor, and Michael Nelson are declared reelected to the office of San Saba City Council for two year terms, that a Certificate of Election be issued to Shawn Oliver, Marcus Amthor, and Michael Nelson, and that a copy of this resolution be posted on election day at each polling place that would have been used in the election.

An emergency is declared so that this resolution may become effective to cancel the election prior to the slated election date and this resolution shall become effective immediately upon passage.

PASSED, APPROVED AND ADOPTED on this 9th day of March, 2021.

**ORDER OF CANCELLATION
ORDEN DE CANCELACION**

The City Council of the City of San Saba hereby cancels the election scheduled to be held on May 1, 2021 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

- Shawn Oliver - Alderman**
- Marcus Amthor – Alderman**
- Michael Nelson – Alderman**

El Concejales Urbanos de Ciudad de San Saba por la presente cancela la eleccion que, de lo contrario, se hubiera celebrado el 1^o de Mayo, 2021 de conformidad, con la Seccion 2.053(a) del Codigo de Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos unicos y por la presente quedan elegidos como se halla indicado a continuacion:

- Shawn Oliver - Concejales Urbanos de Consejo*
- Marcus Amthor - Concejales Urbanos de Consejo*
- Michael Nelson - Concejales Urbanos de Consejo*

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Dia de las Elecciones se exhibira una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la eleccion.

Presiding Official (*Oficial que Preside*)

Secretary (*Secretario*)

(seal) (*sello*)

3/9/2021
Date of adoption (*Fecha de adopcion*)



**CERTIFICATION OF UNOPPOSED CANDIDATES
CERTIFICACION DE CANDIDATOS UNICOS**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 1st, 2021.

Como autoridad a cargo de la preparacion de la boleta de votacion oficial, por la presente certifico que los siguientes candidatos son candidatos unicos para eleccion para un cargo en la eleccion que se llevara a cabo el 1^o de Mayo, 2021.

Shawn Oliver - Alderman - *Concejales Urbanos de Consejo*
Marcus Amthor – Alderman - *Concejales Urbanos de Consejo*
Michael Nelson - Alderman - *Concejales Urbanos de Consejo*

Signature (*Firma*)

Sabrina Maultsby

Printed name (*Nombre en letra de molde*)

City Secretary

Title (*Puesto*)

3/9/2021

(Seal) (*sello*)

Date of signing (*Fecha de firma*)

The second action item was to Issue Certificate of Election to re-elected City Council Aldermen: Shawn Oliver, Marcus Amthor, and Michael Nelson. Alderman Oleta Behrens made a motion to approve to Issue Certificate of Election to re-elected City Council Aldermen: Shawn Oliver, Marcus Amthor, and Michael Nelson. This motion was seconded by Alderman Michael Nelson and passed unanimously.

The third action item was to Discuss and Consider Approval of Resolution No. 2021-08, a Resolution of the City Council of the City of San Saba regarding the purchase of a Diesel Fueled Generac Generator System for the Water Department. Assistant City Manager Scott Glaze explained to the Council, due to the last crisis we had due to the Winter Storm, we found that we needed a larger generator to run the City’s system. Jesse plans to purchase two additional generators so our system will run effectively during a situation like we had recently. Alderman Michael Nelson made a motion to approve Resolution No. 2021-08, seconded by Alderman Marcus Amthor, and was unanimously passed.

RESOLUTION No. 2021-08

A RESOLUTION REGARDING THE PURPOSE OF PROCURING A
"GENERAC GENERATOR POWER SYSTEM".

WHEREAS, the City of San Saba is committed to the health, welfare, and safety of the Citizens of San Saba; and

WHEREAS, the City of San Saba is committed to improving the quality of life for its citizens; and

WHEREAS, the City of San Saba finds it necessary to purchase equipment for emergency and efficient operation of the City; and

WHEREAS, the City of San Saba found the operations of the Water Department in an emergency situation were not sufficient due to dated equipment; and

WHEREAS, the City of San Saba has yearly budgeted funds in Short Lived Assets-Water Distribution for emergency situations to include Generators; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN SABA, to purchase a "Generac Generator Power System" from Clifford Power Systems for the purchase price of \$25,141.00 is hereby APPROVED AND AUTHORIZED.

PASSED AND APPROVED by the City Council of the City of San Saba on this 9th day of March 2021.

The fourth action item was to Discuss and Consider Approval of Ordinance No. 2021-03, an Ordinance of the City of San Saba, Texas Amending Chapter 4 of the San Saba City Code of Ordinance to add Article 4.06, Game Rooms and Amusement Redemption Machines, Providing Definitions, and Regulations to Operate Both Game Rooms and Amusement Redemption Machines within the City; Providing for Affirmative Defenses; Providing for a Severability Clause; Providing for a Penalty; Providing for a Savings Clause; Providing for Repeal of Conflicting Provisions and Providing for Publication and an Effective Date.

ORDINANCE 2021-03

AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS AMENDING CHAPTER 4 OF THE SAN SABA CITY CODE OF ORDINANCES TO ADD ARTICLE 4.06, GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES, PROVIDING DEFINITIONS, AND REGULATIONS TO OPERATE BOTH GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES WITHIN THE CITY; PROVIDING FOR AFFIRMATIVE DEFENSES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, the City Council of the City of San Saba ("City Council") is concerned about the number of amusement redemption machine establishments that have opened in the City of San Saba ("City"); and

WHEREAS, the City is expressly authorized to regulate amusement redemption machine establishments operating amusement redemption machines such as eight liners; and

WHEREAS, permitting amusement redemption machine establishments is a legitimate and reasonable means of regulation to ensure that operators of amusement redemption machine establishments do not knowingly allow their establishments to be used as places of illegal activities such as gambling, personal and property crimes; and

WHEREAS, establishments that operate amusement redemption machines, such as but not limited to eight liners, can have a deleterious effect on both the existing businesses around them and the

surrounding residential areas adjacent to them, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, and burglary; and

WHEREAS, establishments that operate amusement redemption machines can have objectionable operational characteristics, particularly when located within close proximity to each other, contributing to urban blight and downgrading the quality of life in the adjacent areas; and

WHEREAS, the City Council desires to minimize and to control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve the quality of life; preserve property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the City Council has determined that it is in the public's best interest and in support of the health, safety, and general welfare of the citizens of the City that amusement redemption machine establishments be regulated through a licensing process in addition to the City's use of zoning as a regulator of amusement redemption machine establishments.

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

Section 1. Adoption of Findings of Fact. The findings and recitations set out in this ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Addition of Article 4.06, Game Rooms And Amusement Redemption Machines. The City Council hereby adds Article 4.06 regulating Game Rooms and Amusement Redemption Machines as set forth in Exhibit A, attached hereto and incorporated herein for all purposes.

Section 3. Penalty. Any person firm or corporation violating a provision of this Section shall be guilty of Class C misdemeanor and upon conviction of such violation shall be punished by a penalty of \$500.00 for each offense. Each day the violation continues shall constitute a separate offense.

Section 4. Amendment of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this ordinance are hereby amended to the extent of a conflict herewith. In the event of a conflict between another ordinance of the City and this ordinance, this ordinance shall control.

Section 5. 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 hereof 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 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Loc. Gov't Code.

Section 7. 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.

PASSED AND APPROVED on first reading this the 9th day of March, 2021.

Attest:

The City of San Saba, Texas

Sabrina Maulsby, City Secretary

Ken Jordan, Mayor

EXHIBIT "A"

ARTICLE 4.06 - GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES

ARTICLE 4.06. GAME ROOMS AND AMUSEMENT REDEMPTION MACHINES

Division 1 – Game Rooms

Sec. 4.06.001 Definitions

For the purpose of this division, the following terms shall have the meanings respectively ascribed to them:

Amusement redemption machine. A recreational machine that provides a single user or multiple users with an opportunity to receive something of value other than the right of replay. A coin-operated amusement machine designed primarily for children is not an Amusement Redemption Machine.

Applicant. A natural person who applies for a game room permit on behalf of a permittee.

Game room. A building, facility, or other place that is operated for profit and that contains six or more operational amusement redemption machines.

Operational machine. A machine that is ready to be played and is accessible to the public.

Permittee. A business entity which has been issued a game room permit or which has been named in a game room permit application as the intended recipient of the game room permit.

Property owner. The owner of the lot, parcel, tract, or other real estate on which a permittee operates or intends to operate a Game Room.

Scaled drawing. A drawing that indicates real objects with accurate sizes reduced or enlarged by a certain amount (called the scale). The scale is shown as the length in the drawing, then a colon (":"), then the matching length on the real thing. By way of example, if a drawing has a scale of "1 inch:10 feet" (alternatively written 1":10'), then anything drawn with the size of 1 inch would have a size of 10 feet in the real world.

Scaled parking plan. A scaled drawing that shows a view from above of the entire property, and which indicates the size and distance between streets, compliant parking spaces, driveways, driveway aisles, spaces, sidewalks, ADA compliant handicapped parking spaces, and other elements as required by section 4.06.002(b) below.

Scaled floor plan. A scaled drawing that shows a view from above of entire building, and which indicates the size and distance between rooms, walls, windows, and other elements as required by Section 4.11.062(b) below.

Sec. 4.06.002 Permit

(a) Permit required. It is a misdemeanor offense to operate a game room within the city without a currently valid game room permit. Every person desiring to operate any game room shall make application to the city manager, or his designee, on a form provided for that purpose, for a game room permit.

(1) Game room permits shall be issued only to business entities which have been registered and are currently active with the Texas Secretary of State and to whom the Texas Comptroller of Public Accounts has issued a currently valid state tax identification number.

(2) Game room permits shall not be issued to a permittee unless the application is signed by an applicant:

(A) Who is named in public filings with the Texas Secretary of State as either an officer or a managing member of the Permittee;

(B) Who signs the following acknowledgement on the face of the application:

(i) I am applying for a permit on behalf of the permittee and I have actual knowledge of the operation of a game room under this permit; I acknowledge that any person operating a game room under this permit will do so under my direction and control, and I further acknowledge that I may be held criminally liable for illegal activity associated with the game room under this permit, including gambling, gambling promotion, or keeping a gambling place under chapter 47 of the Penal Code; operating an unauthorized game room under chapter 4 of the city code; and other applicable penal statutes.

(3) Game room permits shall not be issued to a permittee unless the application is signed by a natural person:

(A) Who is:

(i) The property owner or,

(ii) If the property owner is a business organization, a natural person who attaches to the application documentary evidence demonstrating that they are authorized to sign the application on behalf of the property owner; and

(B) Who signs the following acknowledgement on the face of the application:

(i) I own the property described in this application, and I have actual knowledge of the proposed or current operation of a game room on my property. I acknowledge that I may personally be held criminally liable for

illegal activity associated with the game room on my property, including keeping a gambling place under chapter 47 of the Penal Code, operating an unauthorized game room under chapter 4 of the city code, and other applicable penal statutes.

(b) Contents of permit application. The application for a game room permit to be issued pursuant to this division shall be sworn and shall contain information required by the city manager, or his designee, on a form provided for that purpose, including:

- (1) The full and correct business name of the permittee, as currently filed with the Texas Secretary of State's office;
- (2) The trade name of the Permittee, if different from the business name on file with the Texas Secretary of State's office;
- (3) The state tax ID number of the Permittee, as issued by the Texas Comptroller of Public Accounts;
- (4) All addresses and telephone numbers of the permittee;
- (5) The names and dates of birth of each and every officer, managing member, or person who owns twenty percent (20%) or greater interest in the permittee.
- (6) A list of all prior criminal convictions of each and every officer, managing member, or person who owns twenty percent (20%) or greater interest in the permittee, for all felony offenses, and for misdemeanors involving drug offenses, fraud, theft, gambling, or weapons offenses, or offenses against public administration;
- (7) The address of the premises where the permittee will operate the game room, and the full and correct name of the property owner of such premises as recorded in the deed records of the county;
- (8) A scaled parking plan drawn on sheets no smaller than 11- by 17-inches, to a minimum scale of one inch to fifty (50) feet, except where variations are approved by the city manager, or his designee. The site plan shall consist of, at minimum, the following submittals:
 - (A) The name, location, owner, and designer of the proposed development, including the owner's home or business address and telephone number;
 - (B) Date, north arrow, and scale;

- (C) The locations and dimensions of all property lines, rights-of-way, and easements; and the existing and proposed topographic characteristics of the site;
 - (D) The locations and dimensions of all existing and proposed driveways, parking facilities, maneuvering areas, loading areas, commercial garbage dumpster pads and related screening, sidewalks, curbs, gutters, buildings, structures, screening fences, and other walls and fences, and exterior lighting;
 - (E) Information and calculations necessary to verify compliance with the off-street parking and loading regulations, including land use, gross floor area, gross leasable area, number of dwelling units, seating capacity, projected number of employees and/or any other appropriate data; and
 - (F) All information required to comply with the stormwater drainage master plan, design manual and maps, and the location of any property rights to be dedicated to the city pursuant to said documents.
- (9) A scaled floor plan of each public space of the game room in which amusement redemption machines may be located during the term of the permit, including the following;
- (A) The maximum number of amusement redemption machines in each space;
 - (B) The total square footage of the building, and each space within the building;
 - (C) Dimensions of each redemption machine;
 - (D) Location and measurements of entrances and exits;
 - (E) Measured foot traffic pathways/aisles;
 - (F) Location and measurements of office, bathrooms;
 - (G) Number of fixtures, such as HVAC units, sinks, toilets, windows, and walls; and
 - (H) Location and area of any redemption area, snack bar, and/or customer service area.
- (10) If the premises where the permittee will operate the game room is located within a multiple tenant structure where tenants share collective parking, a list of all tenants in the structure, the use of each leased space in the structure, and the square footage of the structure used by each tenant in the structure; and

(11) Each application shall be accompanied by the following:

(A) The fee required by this Article; and

(B) A copy of a receipt from the Texas Comptroller of Public Accounts showing the total number of Amusement Machines for which the state occupations tax has been paid and for which registration decals have been issued by the Texas Comptroller of Public Accounts for the time period of the relevant permit application.

(c) Background check.

(1) The chief of police, or a duly authorized representative, shall investigate the publicly filed business records of the permittee and the background of all applicants and each officer, managing member, or owner of twenty percent (20%) or greater interest in the permittee. The investigation may be completed by the city police department or by a third-party vendor approved in advance by the chief of police. Any fees associated with the investigation shall be paid by the applicant. The investigation shall include fingerprinting the individual and a check of the individual's local, state, and national criminal records in accordance with Texas Government Code, sections 411.087 and 411.122. The investigation shall include making a permanent record of the identity of all individuals described in this subsection.

(2) The city shall deny issuance of a permit if the application or investigation shows any of the following:

(A) The applicant or an officer, managing member, or owner of 20% or greater interest in the Permittee has been convicted, within the five (5) years preceding the date of the application, of any crime required to be listed on the permit application and not disclosed thereupon, or of a felony, or for gambling, gambling promotion, keeping a gambling house, fraud, theft, an offense against public administration, or another crime that directly relates to the duties and responsibilities of a permittee pursuant to this division;

(B) The permit application includes a false statement by the applicant;

(C) The city has revoked the applicant's permit of the type requested within the past one (1) year.;

(D) The permit application does not meet all the requirements of this article.

(d) Permit Fees; Duration

(1) A non-refundable application fee of five hundred dollars (\$500.00) shall be submitted with the application. Such fee shall cover the inspections and investigations required for the permit to be determined to be approved or denied.

(2) An annual game room permit fee of twenty-five hundred dollars (\$2,500.00) shall be submitted with the permit application under section 4.06.002, or if the game room begins operations after the thirtieth (30) day of June of the current year, the application shall be accompanied by a payment of twelve hundred and fifty dollars (\$1,250.00). Such fee shall cover all the costs of ongoing inspections.

(3) Game room permits expire on December 31st of each year. Permittee may renew the permit until January 30th of the next year without incurring late fees. If a game room permit is renewed after January 30th, a late fee of \$250.00 shall be assessed and added to the permit fee for that year.

(e) Issuance of game room permit to qualified applicant. Once an applicant is approved for a game room permit, a printed permit form shall be issued to the permittee. The permit form will be signed by the city manager, or his designee.

(1) The cumulative number of amusement redemption machines allowed to operate or be displayed on the premises of a permittee shall not exceed the number of off-street parking spaces available to the permittee on the premises of the permitted game room. Each game room shall have at least one parking space for every two gaming machines, plus at least one parking space for each employee, per shift.

(2) The cumulative number of amusement redemption machines allowed to operate or be displayed on the premises of a permittee shall be stated clearly on the face of each game room permit in both letters and numerals, such as “eighteen (18).”

(3) A person commits an offense if the person cumulatively operates or displays more amusement redemption machines on any premises than allowed under the valid game room permit for that premises.

(4) For the purpose of this section, any amusement redemption machine that allows more than one person to play simultaneously shall be counted as multiple machines, based on the maximum number of simultaneous players. For example, a machine that is designed to be simultaneously played by up to four players shall be counted as four amusement redemption machines.

(f) Administrative suspension or revocation of game room permit.

(1) Suspension. Upon receipt of information tending to show that illegal activities are occurring or have occurred on the premises of a permittee, the chief of police may provisionally suspend a game room permit.

(A) The chief of police or designee shall notify the permittee, the applicant, and the property owner of the provisional suspension by first class mail sent to the addresses listed in the game room permit application. Such notification shall include the date on which the provisional suspension is to begin, a description of the illegal activity alleged to have occurred on the premises, and the date, time, and location of the hearing described below.

(B) The provisional suspension shall not begin before the third calendar day after the notice is placed in the mail.

(C) It is a misdemeanor offense for a Permittee to operate a game room, or for an applicant or property owner to allow the operation of a game room during the provisional suspension of a game room permit.

(D) The chief of police, or his designee, shall hold a hearing not earlier than ten (10) days after the notice is placed in the mail, and not later than twenty (20) days after the notice is placed in the mail, at which hearing the permittee, the applicant, and the property owner may present any relevant information tending to refute the allegations described in the notice. The hearing described in this subsection is not intended to be a full evidentiary hearing, but rather an opportunity for the permittee, the applicant, and the property owner to be heard.

(E) Within five (5) business days after the hearing, if a preponderance of the evidence shows that the illegal activity occurred or is occurring on the premises of the permittee, the chief of police shall suspend the game room permit and notify the permittee, the applicant, and the property owner of the suspension. Such suspension is effective immediately and remains in effect until the expiration of the permit so suspended. A permittee, applicant, or property owner may not submit a new game room permit application during the term of the suspension. If a preponderance of the evidence shows that the illegal activity did not occur and is not occurring, the chief of police shall reinstate the game room permit and notify the permittee, the applicant, and the property owner of the reinstatement.

(F) The applicant, permittee, or property owner can appeal the police chief's decision to the city manager. The appeal must be filed, in writing to the city secretary, within five (5) days after receiving the police chief's decision. The city manager shall then hold an appeal hearing within twenty (20) days of said request for an appeal. The city manager's determination is final.

(2) Revocation. The chief of police may revoke a game room permit if the applicant or an officer, managing member, or owner of twenty percent (20%) or greater interest in the permittee is convicted of any felony, or of any offense involving gambling, fraud, theft, an offense against public administration, or another crime that directly relates to the duties and responsibilities of a permittee pursuant to this division. A game room permit can also be revoked for any violation of this article. The chief of police shall notify the permittee, the applicant, and the property owner of the revocation by first class mail sent to the addresses listed in the game room permit application. Such notification shall include the date on which the revocation is to begin, which shall be no earlier than the third calendar day after the date the notice is placed in the mail.

(g) Expiration date for permits. Any game room permit shall expire on December 31st of each year and the permittee will be required to obtain a new permit to be effective January 1st of each year. The applicant shall pay a permit fee as prescribed by separate ordinance, enacted from time to time, copies of which are on file in the city secretary's office. Each new permit shall be subject to the rules, regulations, ordinances, and codes applicable during that permit year and as such rules, regulations, ordinances and codes may be amended from time to time; no game room permit shall create any vesting of rights in the privileges established during prior permit years.

Sec. 4.06.003 Manner of operation of a permitted game room.

(a) At all times during which a permittee holds a valid game room permit, the permittee shall display a sign which says "game room" on the premises of the permitted game room which

(1) Is displayed in a conspicuous manner clearly visible to the public from the entrance of the premises,

(2) Appears in contrasting colors with block letters at least four (4) inches in height.

(b) At all times during operation of a game room, a permittee shall display signs which

(1) Are displayed in a conspicuous manner clearly visible to the public,

(A) At each entrance to the game room; and

(B) At each location within the game room where patrons may collect winnings; and

(2) Include written language identical to the following, in English and Spanish: "Gambling is a crime. If you win more than \$5.00 per play, you may be arrested and fined \$500.00," and "El juego es un crimen. Si usted gana más de \$5.00 por jugada, es posible que sea arrestado y deba pagar una multa de \$500.00," and

(3) Appear in contrasting colors with block letters at least one inch in height.

(c) A permittee shall not cause or allow the following:

(1) Permitted game rooms shall have transparent unobstructed windows or open space on at least one (1) side so that the open area is open to view by the general public passing by on a public street or using a corridor, lobby or other room to which the public has access and is admitted without charge. The owner, manager or employee of a game room shall not permit any obstruction of any window by the use of drawn shades, blinds, partitions, tinting or other structures or obstructions.

(A) It is an affirmative defense to prosecution under subsection (c)(1) above that:

(i) The game room is located in a structure registered as a historic landmark, or the structure is within a historic district and deemed to have architectural or historic significance which would qualify the structure for registration as a historic landmark; and

(ii) Compliance with the unobstructed view requirement would require alterations to the structure that would have a substantially detrimental effect on its historic or architectural features.

(2) Allowing any person under the age of eighteen (18) years to play on an amusement redemption machine.

(3) Allowing the game room to be operated without an attendant.

(4) Failure to promptly report to the police department any violations of state law or city ordinances committed by employees or patrons on game room premises.

(5) Require game room memberships for any purpose.

(A) A game room shall not restrict entry to a game room and/or prohibit the participation in any activity inside a game room by a patron through the requirement of a game room membership.

(B) Game rooms shall not issue membership cards to any individual for any purpose.

(C) Game rooms shall not have, make use of, employ, and/or require check-in procedures of any kind prior to entering or before exiting a game room.

(6) Alcoholic beverages. The presence of alcoholic beverages on the premises of a game room with more than ten (10) gaming machines is prohibited. In addition to any other penalty or punishment imposed by law, violation of this provision shall be cause for revocation of a game room permit issued under this article.

(7) A person who operates a game room in violation of any section of this article commits an offense. Each person denied entry is considered a separate offense. Each membership card issued is considered a separate offense. Each individual subjected to any check in procedure prior to entering or before exiting a game room is considered a separate offense. Each day a violation occurs or continues to occur is considered a separate offense. Any violation of this subsection is grounds for denial, revocation, or suspension of a game room permit.

(d) Inspection. Peace officers, fire safety officials, and designated city employees are authorized to inspect any business in the city for violations of these regulations. These regulations do not authorize a right of entry prohibited by law. Peace officers, fire safety officials, and designated city employees may enter a business with consent, whether that consent is implied or express, with a warrant, or under exigent circumstances. A game room permit issued pursuant to these regulations gives peace officers, fire safety officials, and designated city employees implied consent to enter and to inspect any game room for violations of these regulations.

(1) Any peace officer, fire safety official or designated city employee may inspect a permitted game room located within the city to determine whether the game room is in compliance with this section.

(2) A person who does not allow a peace officer, fire safety official, or designated city employee to inspect a game room commits an offense. Each peace officer, fire safety official, and designated county employee denied entry is considered a separate violation. Each denial is considered a separate offense. Each day a violation occurs or continues to occur is considered a separate offense.

(e) Location of game room.

(1) Game rooms will not be allowed on a property located less than three hundred (300) feet from the property line of property owned or occupied by a school, church, or hospital.

(2) Game rooms will only be allowed to operate within the L1 zoned areas of the city.

(3) Any game rooms currently existing within the location restricted areas as of the time of the passage of this division shall be permitted to continue, however, if they should cease operations, or violate any of the provisions of this division or any other applicable city, state or federal law, their permit shall be subject to revocation and such may not be renewed unless they meet all provisions of any applicable law, including the spacing and location requirements of this section.

Sec. 4.06.004 Hours of operation regulated

All persons, firms, associations of persons, or corporations owning and operating a game hall, by whatever name called, shall not open their places of business prior to 8:00 a.m. and shall close such establishment at 9:00 p.m. except; however, that on Saturdays such places of business may remain open until 10:00 p.m., and on Sundays such places of business can be open between the hours of 1:00 p.m. and 5:00 p.m.

Sec. 4.06.005 Minors restricted

No child under fourteen (14) years of age shall be permitted in a game hall unless accompanied by said child's parent. No minor under seventeen (17) years of age attending the public schools of the state shall be permitted to be in a game hall within the hours of the daily opening and closing of said public schools.

Sec. 4.06.006 No gambling permitted

No gambling of any type, kind, or character shall be permitted by any person, firm, association of persons, or corporations owning or operating a game hall within the incorporated limits of the city.

Sec. 4.06.007 Annual occupation tax

Every person, firm, association of persons, or corporations owning an amusement redemption machine within the corporate limits of the city shall pay an annual occupation tax on each amusement machine in an amount of one-fourth (1/4) the amount of occupation tax charged by the state, which currently is \$60.00.

Such tax shall be immediately due and payable following the effective date of this article at the city secretary's office, and annually thereafter.

Sec. 4.06.008 Compliance with division

(a) A person commits an offense if the person:

(1) Operates or allows operation of a game room within the city limits without a current, valid game room permit issued by the city;

- (2) Operates a permitted game room during the time that the game room permit is provisionally suspended, or revoked;
 - (3) Knowingly leases, rents, lets, subleases, or sublets property within the city limits on which a game room operates without a valid game room permit issued by the city;
 - (4) Knowingly leases, rents, lets, subleases, or sublets property within the city limits on which a permitted game room operates during the time that the game room permit is provisionally suspended, suspended, or revoked;
 - (5) Operates a permitted game room within the city limits without displaying a current game room permit in a conspicuous location within an area of the business accessible to the public;
 - (6) Operates a permitted game room within the city limits in any manner that violates the “manner of operation” standards set forth in section 4.06.003 of this division;
 - (7) Forges, alters, or counterfeits a game room permit required by this section;
 - (8) Possesses a forged, altered, or counterfeited game room permit required by this section;
 - (9) Allows untaxed and/or unregistered coin-operated machines to be played within the game room; or
 - (10) Violates any section of this division.
- (b) It is an affirmative defense to prosecution under this section that:
- (1) The game room owner or game room permit holder is a religious, charitable, or educational organization authorized under state law to operate a game room.
- (c) An offense under this section is a class C misdemeanor.

Secs. 4.06.025–4.06.049 Reserved

Division 2 - Amusement Redemption Establishments

Sec. 4.06.050 Definitions

For the purpose of this division, the following terms shall have the meanings respectively ascribed to them:

Amusement redemption establishment. A building, facility, or other place that is operated for profit by a business or individual and that contains one or more operational amusement redemption machines, but that does not constitute a game room, as defined in this section.

Amusement redemption machine. A recreational machine that provides a single user or multiple users with an opportunity to receive something of value other than the right of replay. A coin-operated amusement machine designed primarily for children is not an amusement redemption machine.

Game room. A building, facility, or other place that is operated for profit and that contains six or more operational amusement redemption machines.

Operational machine. A machine that is ready to be played and is accessible to the public.

Sec. 4.06.051 Manner of operation of an amusement redemption establishment

(a) Parking.

(1) The cumulative number of amusement redemption machines allowed to operate or be displayed on the premises of an amusement redemption establishment shall not exceed the number of off-street parking spaces available on the premises of the amusement redemption establishment. Each Amusement Redemption Establishment shall have at least one parking space for every two amusement redemption machines, plus at least one parking space for each employee, per shift.

(2) A person commits an offense if the person cumulatively operates or displays more amusement redemption machines on any premises than allowed for an amusement redemption establishment as defined in this division for that premises.

(3) For the purpose of this section, any amusement redemption machine that allows more than one person to play simultaneously shall be counted as multiple machines, based on the maximum number of simultaneous players. For example, a machine that is designed to be simultaneously played by up to four players shall be counted as four amusement redemption machines.

(b) Permits required

(1) Each establishment that operates an amusement redemption machines and does not meet the definition of a game room shall have prominently displayed a current and valid Amusement Redemption Establishment permit issued by the city.

(2) Amusement Redemption Establishment permits may be obtained at city hall by paying the appropriate fee under section 4.06.051(b)(4) or (5) and providing the following information on a form to be supplied by the city:

(A) The physical address of the location of the amusement redemption machine;

- (B) The property tax identification number for the physical address of the location of the amusement redemption machine;
 - (C) The owner of record of the property on which the amusement redemption machine is located, including contact information for said owner,
 - (D) The owner/operator of the business operating the amusement redemption machine, as defined herein, including contact information;
 - (E) The manager of the establishment, including contact information, if different from the owner/operator; and
 - (F) The number of amusement redemption machines at the location.
- (3) Each amusement redemption establishment permit is nontransferable and is void upon changes in ownership or location of a machine.
- (4) Application and Permit Fees;
- (A) A non-refundable application fee of five hundred dollars (\$500.00) shall be submitted with the application. Such fee shall cover the inspections and investigations required for the permit to be determined to be approved or denied.
 - (B) An annual permit fee of one thousand five hundred dollars (\$1,500.00) shall be submitted with the permit application under section 4.06.051, or if the amusement redemption establishment begins operations after the thirtieth (30) day of June of the current year, the application shall be accompanied by a payment of seven hundred and fifty dollars (\$750.00). Such fee shall cover all the costs of ongoing inspections.
- (5) Amusement Redemption Establishment permits expire on December 31st of each year. Permittee may renew the permit until January 30th of the next year without incurring late fees. If a game room permit is renewed after January 30th, a late fee of \$250.00 shall be assessed and added to the permit fee for that year.
- (c) At all times during operation of an amusement redemption establishment, signs shall be displayed which:
- (1) Are displayed in a conspicuous manner clearly visible to the public:
 - (A) At each entrance to the amusement redemption establishment; and
 - (B) At each location within the amusement redemption establishment where patrons may collect winnings; and

(2) Include written language identical to the following, in English and Spanish: “Gambling is a crime. If you win more than \$5.00 per play, you may be arrested and fined \$500.00,” and “El juego es un crimen. Si usted gana más de \$5.00 por jugada, es posible que sea arrestado y deba pagar una multa de \$500.00,” and

(3) Appear in contrasting colors with block letters at least one inch in height.

(d) An individual or business shall not cause or allow the following:

(1) Amusement redemption establishments shall have transparent unobstructed windows or open space on at least one (1) side so that the open area is open to view by the general public passing by on a public street or using a corridor, lobby or other room to which the public has access and is admitted without charge. The owner, manager or employee of an amusement redemption establishment shall not permit any obstruction of any window by the use of drawn shades, blinds, partitions, tinting or other structures or obstructions.

(A) It is an affirmative defense to prosecution under subsection (c)(1) above that:

(i) The amusement redemption establishment is located in a structure registered as a historic landmark, or the structure is within a historic district and deemed to have architectural or historic significance which would qualify the structure for registration as a historic landmark; and

(ii) Compliance with the unobstructed view requirement would require alterations to the structure that would have a substantially detrimental effect on its historic or architectural features.

(2) Allowing any person under the age of eighteen (18) years to play on an amusement redemption machine.

(3) Allowing the game room to be operated without an attendant.

(4) Failure to promptly report to the police department any violations of state law or city ordinances committed by employees or patrons on amusement redemption establishment premises.

(5) Require amusement redemption establishment memberships for any purpose.

(A) An amusement redemption establishment shall not restrict entry to an amusement redemption establishment and/or prohibit the participation in any activity inside an amusement redemption establishment by a patron through the requirement of an amusement redemption establishment membership.

(B) Amusement redemption establishments shall not issue membership cards to any individual for any purpose.

(C) Amusement redemption establishments shall not have, make use of, employ, and/or require check-in procedures of any kind prior to entering or before exiting an amusement redemption establishment.

(6) A person who operates an amusement redemption establishment in violation of any section of this article commits an offense. Each person denied entry is considered a separate offense. Each membership card issued is considered a separate offense. Each individual subjected to any check in procedure prior to entering or before exiting an amusement redemption establishment is considered a separate offense. Each day a violation occurs or continues to occur is considered a separate offense.

(e) Hours of operation regulated. All persons, firms, associations of persons, or corporations owning and operating a game hall, by whatever name called, shall not open their places of business prior to 8:00 a.m. and shall close such establishment at 9:00 p.m. except; however, that on Saturdays such places of business may remain open until 10:00 p.m., and on Sundays such places of business can be open between the hours of 1:00 p.m. and 5:00 p.m.

(f) Minors restricted. No child under fourteen (14) years of age shall be permitted in a game hall unless accompanied by said child's parent. No minor under seventeen (17) years of age attending the public schools of the state shall be permitted to be in a game hall within the hours of the daily opening and closing of said public schools.

(g) No gambling permitted. No gambling of any type, kind, or character shall be permitted by any person, firm, association of persons, or corporations owning or operating a game hall within the incorporated limits of the city.

(h) Registration of gaming machines

(1) Each permittee shall register each amusement redemption machine located within the establishment.

(2) To comply with this requirement, each permittee shall provide the city with the fee specified in section 4.06.052 and a complete registration list including information regarding all gaming machines to be exhibited and/or operated on the premises of the amusement redemption establishment. This list shall include the name and contact information for the owner(s) of the amusement redemption machine(s); make, model, and serial number of each amusement redemption machine; and all documentation required by the state for registration certificates issued under chapter 2153 of the Texas Occupations Code, or any other applicable provision of state law.

(3) Each list of amusement redemption machines to be registered shall be submitted by the permittee in conjunction with the initial application or renewal of the associated permit.

(4) The registration list shall be posted at the entry to the permitted amusement redemption establishment and on each amusement redemption machine.

(5) It shall be the responsibility of the permittee to notify the city of any changes in the registration list, including additional amusement redemption machines installed or located on the premises of the amusement redemption establishment, or the temporary or permanent removal of any registered amusement redemption machine.

(6) Registration under this section is nontransferable. Any unregistered amusement redemption machine that replaces a registered amusement redemption machine that is removed or inoperable shall be added to the registration list and a new fee shall be required.

(i) Location of game room.

(1) Amusement Redemption Establishments will not be allowed on a property located less than three hundred (300) feet from the property line of property owned or occupied by a school, church, or hospital.

(2) Amusement Redemption Establishments will only be allowed to operate within the L1 zoned areas of the city.

(3) Any Amusement Redemption Establishments currently existing within the location restricted areas as of the time of the passage of this division shall be permitted to continue, however, if they should cease operations, or violate any of the provisions of this division or any other applicable city, state or federal law, their permit shall be subject to revocation and such may not be renewed unless they meet all provisions of any applicable law, including the spacing and location requirements of this section.

(j) Inspection. Peace officers, fire safety officials, and designated city employees are authorized to inspect any business in the city of liberty for violations of these regulations. These regulations do not authorize a right of entry prohibited by law. Peace officers, fire safety officials, and designated city employees may enter a business with consent, whether that consent is implied or express, with a warrant, or under exigent circumstances.

(1) Any peace officer, fire safety official or designated city employee may inspect an amusement redemption establishment located within the city to determine whether the amusement redemption establishment is in compliance with this section.

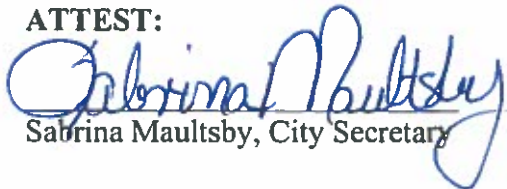
CITY MANAGER’S REPORT: Assistant City Manager Scott Glaze gave a brief report on the following activities in the City of San Saba: The Transfer Station had their Five-year Inspection by TCEQ and Juan Montoya, Supervisor did very well and pleased with the inspection; the rock wall repairs at Mill Pond are almost done; LCRA will be doing the annual Steps Forward Project next month and they plan to plant grass behind the Gazebo at Mill Pond Park; Need to brag on all the City guys during the Winter storm, they all pitched in, turning off the water for customers due to busted pipes; Very thankful for all of the water that was donated to hand out to Citizens; Keeping the Public informed on the water and electric situation during the Winter storm seemed to work a lot better; Very proud of our City and how they handled the whole Winter storm situation; Having the new water lines replaced were less troublesome.

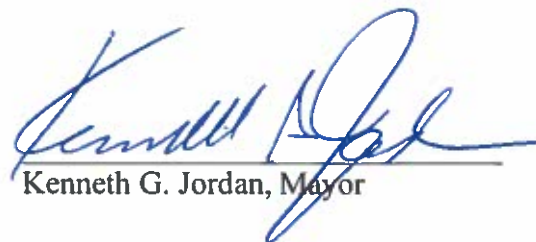
OTHER REPORTS: Billy Sutton, City employee at San Saba River Golf Course reported that the Greens at the Golf Course were burned due to the extreme temperatures, but they seem to be coming back.

Michael Wadsworth, Code Enforcement Officer reported that Plans are to start the Family Dollar Tree tomorrow; Central Baptist Church is installing three foot of rock around the building and they are behind schedule due to delay in materials; Lowes Grocery is also behind schedule due to delay in materials.

As there was no further discussion, the meeting adjourned at 6:28 p.m.

ATTEST:


Sabrina Maultsby, City Secretary


Kenneth G. Jordan, Mayor