

**MINUTES
MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN SABA
May 13, 2014**

Members in attendance were: Ken Jordan – Mayor
Martha Leigh Whitten – Mayor Pro Tem
Mark Amthor – Alderman
Shawn Oliver – Alderman
Oleta Behrens – Alderman
Stan Weik – City Manager

Alderman Peeler was absent.

Others present were: Sabrina Maulsby – City Secretary
Charlene Lindsay – Finance Director
Scott Glaze – City Employee
Denver Daniel – City Employee
Tony Guidroz – City Employee
Susie Jimenez – City Employee
Dwayne Shaw – City Police
Michael Prado – City Police
Alice Smith – San Saba News & Star
Danny Prado – Guest
Deb Thompson - Guest

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

PUBLIC COMMENTS: Citizen signed up to speak to the City Council was Danny Prado, Father of Michael Prado, officer involved in a recent vehicle accident. Mr. Prado thanked the Council and gave a special thanks to Chief Dwayne Shaw and Sergeant Misty Maldonado. He explained how Chief Shaw and Sergeant Maldonado stayed with his son Michael when the accident occurred to the trip to Scott & White in Temple, Texas. Mr. Prado also explained when Michael's hysterical Mother arrived in the Trauma unit they were also there for her. He said everyone in San Saba has been very supportive and very friendly and just wanted to thank everyone.

PRESENTATIONS:

Employee of the Month for May would be presented with the plaque and certificate at the June Council Meeting.

CONSENT AGENDA:

On a motion by Alderman Amthor, seconded by Alderman Oliver, Council unanimously approved the following: minutes from the April 8, 2014 council meeting; payment of bills; approved Resolution No. 2014-14 a resolution to waive an ordinance defining noise nuisances for May 17, 2014 at Mill Pond Park Gazebo; approved Resolution No. 2014-15 a resolution to waive an ordinance

defining noise nuisances for May 24, 2014 at Mill Pond Park Gazebo; approved Resolution No. 2014-16 a resolution to waive an ordinance defining noise nuisances for May 31, 2014 at Risien Park; approved Resolution No. 2014-17 a resolution to waive an ordinance defining noise nuisances for a Street Dance on the West side of the Courthouse on June 7, 2014; approved Ordinance No. 2014-05 temporarily closing Cherokee Street from E. Wallace Street to E. Commerce Street on June 7, 2014.

RESOLUTION 2014-14

**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, **Rebecca Lopez, 704 S. 9th Street, San Saba, Tx**, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played at the Gazebo at Mill Pond Park on May 17th, 2014 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 May 17, 2014 at the Gazebo at Mill Pond Park.

Passed and approved this 13th day of May, 2014.

RESOLUTION 2014-15

**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, Maloree Maldonado, 840 CR 110, San Saba, Tx, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played at the Gazebo at Mill Pond Park on May 24th, 2014 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 May 24, 2014 at the Gazebo at Mill Pond Park.

Passed and approved this 13th day of May, 2014.

RESOLUTION 2014-16

**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, Amanda Saldivar, 406 N. Cherokee, San Saba, Tx, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played at the Pavilion at Risien Park on May 31st, 2014 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 May 31, 2014 at the Pavilion at Risien Park.

Passed and approved this 13th day of May, 2014.

RESOLUTION 2014-17

**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, Tony Guidroz with the Economic Development Committee, San Saba, Tx, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played at the Street Dance located on the West side of the Courthouse on June 7th, 2014 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 June 7, 2014 at the Street Dance located on the West side of the Courthouse.

Passed and approved this 13th day of May, 2014.

ORDINANCE NO. 2014-05

AN ORDINANCE APPROVING A REQUEST SUBMITTED BY DIRECTOR REPRESENTING THE ECONOMIC DEVELOPMENT COMMITTEE TO TEMPORARILY CLOSE THE BLOCK OF CHEROKEE STREET BETWEEN EAST WALLACE STREET AND EAST COMMERCE STREET FROM THE HOURS OF 3:00 P.M. TO 1:00 A.M. ON JUNE 7, 2014.

WHEREAS, Tony Guidroz, Director of the Economic Development Committee, San Saba, Texas has requested from the City Council of the City of San Saba for permission to close the portion of Cherokee Street located between Wallace and Commerce Streets June 7, 2014 from 3:00 p.m. to 1:00 a.m.

WHEREAS, there are no homes located on this section of Cherokee Street that would be affected by this closure;

WHEREAS, the temporary closure of such street for public use will not harm public right of way uses by the City of San Saba nor hinder emergency services personnel from protecting the public.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN SABA that this section of Cherokee Street be temporarily closed from the hours of 3:00 p.m. to 1:00 a.m. on June 7, 2014.

PASSED AND APPROVED this the 13th day of May, 2014.

DISCUSSION/ACTION ITEMS:

The first action item was to consider and approve Budget Calendar for the 2014-2015 Fiscal Year. On a motion by Alderman Behrens, and seconded by Alderman Whitten, the Budget Calendar for the 2014-2015 Fiscal Year was unanimously approved.

CITY OF SAN SABA

BUDGET CALENDAR

FOR THE

2014 – 2015 FISCAL YEAR

* June 6	<i>Post 72-hour agenda notice of meeting</i>	<i>City Secretary</i>
* June 10	<i>Council Meeting & Budget Workshop</i>	<i>City Council/ Mgr.</i>
* June 20	<i>Post 72-hour agenda notice of meeting</i>	<i>City Secretary</i>
* June 24	<i>Budget Workshop</i>	<i>City Council/Mgr.</i>
* July 4	<i>Post 72-hour agenda notice of meeting</i>	<i>City Secretary</i>
* July 8	<i>Council Meeting & Budget Workshop</i>	<i>City Council/Mgr.</i>
* July 11	<i>Post 72-hour agenda notice of meeting</i>	<i>City Secretary</i>
* July 15	<i>Budget Workshop</i>	<i>City Council/Mgr</i>
* July 18	<i>Post 72-hour agenda notice of meeting</i>	<i>City Secretary</i>
* July 22	<i>Budget Workshop</i>	<i>City Council/Mgr.</i>
* August 1	<i>Post 72-hour agenda notice of workshop</i>	<i>City Secretary</i>
* August 5	<i>Budget Workshop</i>	<i>City Council/Mgr.</i>
* August 8	<i>Post 72-hour agenda notice of meeting</i>	<i>City Secretary</i>
* August 12	<i>Council Meeting & Budget Workshop</i>	<i>City Council/Mgr</i>
* August 27	<i>Notice of Public Hearing & vote on – Adoption of budget and tax rate</i>	<i>City Secretary</i>
* Sept 9	<i>Public Hearing On Proposed Budget And Tax Rate</i>	<i>City Council/Mgr.</i>
* Sept 9	<i>Council Meeting to Approve 2014-2015 Budget And Adopt Tax Rate</i>	<i>City Council/Mgr.</i>

The final discussion item was to discuss and consider approval of Ordinance No. 2014-06 regulating Peddlers, Solicitors, and Itinerant Merchants. On a motion by Alderman Oliver, and seconded by Alderman Whitten, Ordinance No. 2014-06 regulating Peddlers, Solicitors, and Itinerant Merchants was unanimously approved.

ORDINANCE NO. 2014-06

AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS, REGULATING PEDDLERS AND SOLICITORS; PROVIDING DEFINITIONS; REQUIRING APPLICATIONS, PERMITS AND FEES; PROVIDING REGULATIONS AND PROHIBITIONS; PROVIDING A PENALTY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE, SEVERABILITY CLAUSE AND EFFECTIVE DATE.

Whereas, the regulation and licensing of peddlers and solicitors is necessary for the public health and safety;

Whereas, protecting private residents of the City from unwanted annoyance of solicitors or peddlers protects the peace in the community;

Whereas, requiring solicitors and peddlers to register may deter inappropriate conduct;

Whereas, use of private and public property for open air vendors create a nuisance and generally fail to comply with other city ordinances such as zoning, building codes, ADA regulations, and other applicable site development ordinances by failing to provide for adequate structures, parking, access, waste disposal and other similar health and safety issues; and

Whereas, the City has no desire to interfere with free speech, open dialogue and exchange of opinion;

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

Section 1. Amendment of Divisions 1 and 2, Generally, Article 4.04, Peddlers, Solicitors and Itinerant Merchants. The City of San Saba’s Code of Ordinance, Article 4.04, Peddlers, Solicitors and Itinerant Merchants, Section 4.04.001 through 4.04.036 are hereby repealed in their entirety and replaced with the following provisions:

* * * * *

Division 1. Generally

Section 4.04.001. Definitions. The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“*Food establishment*” means coffee shops, cafeterias, short order cafes, restaurants, luncheonettes, taverns, sandwich stand, BBQ stands, soda fountains and all other such eating or drinking establishments.

“*Garage Sales*” means and includes a bona fide sale commonly known as or advertised as garage sale, lawn sale, attic sale, rummage sale, or any similar casual sale of personal used goods or merchandise upon a residential property provided not more than one sale per four month period occurs upon the residential property which lasts not longer than two consecutive days.

"Mobile food establishment" means a food establishment operating from a vehicle or any portable structure on a trailer or wheels, that meets all the requirements of San Saba County Health District; has received a permit to operate; has a properly licensed operator for the vehicle to be operated; the vehicle otherwise complies with the Rules of the Road; and that does not remain in any one location for a period of more than two (2) weeks.

"Noncommercial purpose or cause" means a purpose or cause not created, existing or espoused for the generation of profit or the remuneration of individuals, including, but not limited to, the religious or charitable solicitation of contributions, seeking political support or contributions, the promotion of civic causes, the promotion of conservation of resources or animals, advocating a philosophy or religion, or minors conducting fundraising activities, who represent an organization for the benefit of youths, including but not limited to Boy Scouts, Girl Scouts, little league groups, and school groups.

"Open Air Vendor" shall mean any person who engages in a commercial business within the City of selling, or offering for sale, any goods, merchandise or products, or exhibiting goods or merchandise for sale, or for the purpose of taking orders for the sale thereof, who displays, exhibits, sells, or offers for sale such goods, merchandise or services upon or from any vehicle, cart, stand, stall, tent, or other such structure similar structure, from, in or upon any private commercial or industrial premises or public property. The vending structure shall comply with the applicable zoning, building codes, and site development requirements of the City, when applicable. The term does not include peddlers, solicitors, or itinerant vendors who continuously move about from place to place and who do not occupy any particular parcel of private property as a permanent or stationary place for the conduct of their business. The term shall exclude authorized mobile food, seasonal food and temporary food establishments and garage sales compliant with the requirements of this Ordinance.

"Peddler" means any person, whether a resident of this city or not, who sells or offers for sale for immediate delivery any goods, merchandise, or products by carrying goods, merchandise or products from place to place, house to house, business to business, street to street, or upon public property. Transfer of payment at the time of sale or later is immaterial. The word "peddler" shall include the terms "solicitor", "itinerant vendor" and "commercial solicitor". This term shall not include individuals connected with a noncommercial purpose or cause.

"Permit holder" means any person holding a current permit or license issued pursuant to this ordinance.

"Person" shall mean and include an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"Semi-permanent food establishment" means a food establishment operating at a fixed non-residential location after having received a permit to operate for a specific season or portion of the year only, not to exceed six (6) months in any calendar year, that operates from a trailer, stand or building which does not permit access to customers inside of the establishment.

"Services" shall mean the performance of labor for the benefit of another or at another's command.

"Solicitor" means a person who attempts to make personal contact with a resident at his/her residence without a prior specific invitation or appointment from the resident, for the primary purpose of:

- (1) Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service; or
- (2) Distributing a handbill or flyer advertising a commercial event or service.

“*Special event*” means an activity which makes a significant contribution to the cultural, economic, or social welfare of the city, is sponsored or organized by the city, an individual, corporation or organization, is held at a particular time and location, and is for the purpose of the sale or distribution of services or goods on public property.

Section 4.04.002. Permit Required. It shall be unlawful for any peddler or solicitor to engage in business within the city without first obtaining a peddler's permit from the City Code Enforcement Officer as provided in this ordinance. No permit shall be granted for a use at a fixed location which does not comply with the zoning district regulations for the fixed location upon which the use is proposed.

Section 4.04.003. Exceptions. The provisions of Section 4.04.002 shall not apply to the following upon private premises within the City or public property when specifically noted:

(a) Ordinary commercial travelers or salesmen, transacting business only at wholesale dealers or with dealers in such goods or in goods or services for use in manufacturing or commercial purposes;

(b) Sheriff's constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law;

(c) Solicitations, sales or distributions made for non-commercial purposes or causes, whether community service, charitable, educational or religious, shall not be required to obtain a permit. A mobile food establishment that is operated by a non-profit, community service or religious group to provide food to the elderly at no charge, such as meals-on-wheels, or other similar charitable operation shall be exempt from a permit under this exception;

(d) Newspaper carriers and newspaper vending machines, provided also vending machines may be located upon a public sidewalk immediately outside a commercial business in a location which does not interfere with pedestrians or public use of the sidewalk;

(e) Sales conducted pursuant to statute or by order of any court;

(f) Person or transactions associated with bona fide trade shows, exhibits, expositions or conventions where all transactions of purchase, sale or exchange are made in connection with such trade show, exhibit, exposition or convention and within the confines of the approved area of the trade show, exhibit, exposition or convention sites;

(g) Individual, one time only sale of personal property items sold by the owner thereof at his private residence or business or an auctioneer, including farmers who sell agriculture products that were raised or grown by them;

(h) Organized community and festival events held by authority of agreements or special permits issued by the City Council or held upon public premises or in or upon public parks under the auspices or sponsorship or within the regular administration of the parks and recreation department of the City;

(i) Authorized contractual concessions permitted upon City premises by agreement, lease or contract with the City duly authorized by the City Council;

(j) Delivery services to permanent established businesses in the City which operate on site and by agreement with or invitation of such individuals, industries or businesses;

(k) Garage sales on private property;

(l) An auctioneer conducting an auction of an estate or other similar auction shall be exempt from the permit requirements of this ordinance provided the auction is conducted wholly on private property not more often than once in a six month period; and,

(m) Lemonade stands and similar activity conducted and operated entirely by children under the age of sixteen (16) years and upon the private residential premises of such children.

Section 4.04.004. Use of public places. It shall be unlawful for any peddler or solicitor to sell or solicit or take orders for or offer to sell or take orders for or display any goods, wares, merchandise, animals, photographs, newspapers, magazines, food, drink or confection on any public square, park, street, road, highway, alley, sidewalk or other public property within the limits of the city without having first obtained an appropriate permit authorizing the specific activity at such location as provided for in this ordinance. Non-commercial purposes or causes shall be exempt from permit requirements provided no goods are sold and the activities do not interfere with traffic.

Section 4.04.005. Refusing to leave. Any peddler or solicitor who enters upon any premises and refuses to leave such premises, after having been notified or requested to leave by the owner, occupant or person in charge or control of such premises, shall be deemed guilty of a misdemeanor.

Section 4.04.006. Entrance to premises restricted. It shall be unlawful for any peddler or solicitor to enter upon any private premises or to ring the doorbell or rap or knock in any way in a manner calculated to attract the attention of the occupant when such premises are posted with a sign stating "no peddlers allowed" or "no solicitations allowed" or other words to such effect.

(a) A person desiring that no merchant or other person engage in home solicitation at his or her residence or business shall exhibit in a conspicuous place upon or near the main entrance to the building, a weatherproof card, not less than three inches by four inches in size, containing the words "no peddlers allowed" or "no solicitations allowed" or other words to such effect. The letters shall not be less than two-thirds of an inch in height. Everyone permitted under this article, upon going onto any premises upon which a building is located, shall first examine the main entrance to the building to determine if any notice prohibiting soliciting is exhibited upon or about the main entrance of the building. If a notice complying with this section is exhibited, the permittee shall immediately depart from the premises without disturbing the occupant, unless the visit is the result of a request by the occupant.

(b) No person shall go upon any residential premises and ring the doorbell, or rap or knock upon the door or create any sound in a manner calculated to attract the attention of the occupant of the residence or for the purpose of securing an audience with the occupant or engaging in or attempting to engage in a home solicitation transaction if a card, as described in subsection (a) of this section, is exhibited in a conspicuous place upon or near the main entrance to the building, unless the visit is the result of a request made by the occupant.

(c) No person, other than the occupant of the building, shall remove, deface or render illegible, a card placed by the occupant pursuant to subsection (a) of this section.

(d) Any person required to be permitted under this ordinance who has gained entrance to a residence, business or other such premises, for audience with the occupant, whether invited or not, shall immediately depart from the premises without disturbing the occupant further when requested to leave by an occupant.

(e) Failure to comply with notice signs as provided in (a) or (b) above; refusal to leave when asked as provide in Section 4.04.006; and operation after hours as established in Section 4.04.007, shall be grounds for revocation of a permit or denial of a permit upon application.

Section 4.04.007. Hours of operation. It shall be unlawful for any peddler or solicitor to engage in the business of peddling or soliciting within the city between the hours of 8:00 p.m. and 6:00 a.m. the following morning, or at any time on Sundays; provided that the following exceptions shall apply to this section only: (a) the business is conducted pursuant to a specific appointment with, or invitation from, the prospective customer, or with a customer attending an advertised or invitational meeting held by such solicitor or peddler; or (b) the business is conducted at a location situated on property zoned for a commercial or retail use and the customer travels to such location for the purpose of conducting such business.

Section 4.04.008. Soliciting at intersections. It shall be unlawful for any person to solicit funds, peddle, to advertise, or to distribute any item within the public right-of-way of any roadway within a distance of less than fifty (50) feet from the center of any intersection or crossing of streets within the city limits. It is a defense to prosecution that the activity was conducted wholly upon private property and otherwise permitted under the ordinances of the City.

Section 4.04.009. Misrepresentation. It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of any goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

Section 4.04.010 – 4.04.030 Reserved.

Division 2. Permit

Section 4.04.031. Information Required for Permit. It shall be unlawful to engage in business as a peddler or solicitor within the City Code Enforcement Officer without first obtaining a permit. Such permit shall be obtained by registering with the City Code Enforcement Officer and providing information under oath. The permits shall be a Peddler's Permit. Prior to the issuance of a permit, the City Code Enforcement Officer shall obtain all of the following information and any other information deemed pertinent and necessary:

- (a) Date of registration;
- (b) Name of registrant;
- (c) Driver's license number;
- (d) Date of birth;
- (e) Home address;
- (f) Local address (if any);
- (g) Nature of items or services to be sold or solicited;

(h) Whether registrant has ever been convicted of a felony of any nature or any other crime of moral turpitude and, if so, the place, date, and crime of which convicted;

(i) Tax identification number; and

(i) Any facts showing that the registrant is engaged in interstate commerce.

Section 4.04.032. Application contents. The application for a permit required by this ordinance shall, in addition to the information required pursuant to Section 4.04.031, state or contain the following:

(a) A statement as to whether or not the applicant has been convicted of any crime or violation of any state or federal law or municipal ordinance or code; the nature of the offense; the punishment or penalty assessed therefor if previously convicted; and the place of conviction.

(b) All food vendors shall provide documentation to establish compliance with all city, state and county food handlers regulations. Such documentation shall include the food handler permits and other permits required to be obtained from the San Saba County Health District.

(c) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery.

(d) The period of time the applicant wishes to engage in business within this city.

(e) The local and permanent address and the name of the person, if any, that the applicant represents; the applicant's tax identification number, if any.

(f) The last five cities or towns wherein the applicant worked before coming to this city.

(g) Statement of the areas in which activities will be carried out, i.e. if on public property the specific locations, if only door-to-door residential the subdivisions, etc.

Section 4.04.033. False information. It shall be unlawful for any person to give any false or misleading information in connection with his or her application for a permit or a license required pursuant to this ordinance. Applicant may not sell merchandise or solicit services not disclosed in the permit application.

Section 4.04.034. Investigation. A copy of the application for permit will be referred to the chief of police who will undertake an investigation of the applicant's record. At the time of making application for a permit, the applicant for a peddler or solicitor permit shall agree to submit to a background check and shall be photographed by the city. An applicant for permit may be reasonably denied if he or she is currently wanted on warrant for arrest, or other information as set out in Section 4.04.042 is established. There will be a charge for the background check as set forth in appendix A to the City's code.

Section 4.04.035. Bond required. (a) The application for a peddler permit to sell tangible goods or merchandise shall include with the application a bond in the penal sum of \$1,000.00, signed by the applicant and by some surety company authorized to do business in this state, conditioned for the final delivery of goods, wares, merchandise or services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of such bond, at the time of delivery, and that may be discovered by such purchaser or customer

within 30 days after delivery. Such bond shall be for the use and benefit of all persons that may make any purchase or give any order to the principal on such bond, or to an agent or employee of such principal.

(b) Peddlers or solicitors selling food products or soliciting services solely shall not be required to have a bond.

Section 4.04.036. Fee. Before any permit shall be issued under the provisions of this ordinance:

(a) The applicant for a peddler permit for door to door peddling or solicitation shall pay a fee pursuant to this ordinance, based upon the time period he or she desires to engage in business in the city, as follows:

(1)	Per day	\$ 5.00
(2)	Per week	10.00
(3)	Per month	25.00
(4)	Per three months	50.00
(5)	Per six months	75.00
(6)	Per 12 months	100.00

(b) The applicant shall also pay all fees and costs to obtain all inspections and permits required under any other ordinance or regulation of the City or the San Saba County Health District.

(c) Notwithstanding section (a) above, if an individual shall establish that he or she is engaged in interstate commerce and is exempt from the permit fee requirements pursuant to federal law, or that the imposition of such fee constitutes a burden and a constraint on interstate commerce, then in such event, such individual shall not be required to pay any fee established by this section.

Section 4.04.037. Issuance. No permit shall be issued under the provisions of this ordinance until the applicant shall have complied with all the provisions and requirements of this ordinance applicable to such permit. No permit or license shall be issued to a corporation, partnership or other impersonal legal entity, but each individual person engaging in the business of peddling or soliciting within the city shall be required to have a permit or license, whether acting for himself or as an agent or representative of another.

Section 4.04.038. Sales Tax Remittal. Every permittee for which sales tax are required to be collected and remitted to the State of Texas, shall, as a condition of the permit, collect and remit sales tax according to State requirements. The City, as a condition of a permit, may require the permittee to demonstrate compliance with State sales tax regulations. Failure to produce sufficient evidence of payment of sales tax may be a reason for denial of a permit, a permit renewal, or revocation of a permit.

Section 4.04.039. Contents. Each permit issued under the provisions of this ordinance shall be signed by the appropriate authority issuing the permit; dated as of the date of its issuance; and shall state the duration or term of such permit on the face thereof. Any permit not dated and signed as provided in this section shall be void.

Section 4.04.040. Display. Every permit holder having a permit issued under this ordinance or required to have a permit and doing business within the city or any individual listed on a permit shall display his or her permit or copy of same upon the request of any person, and failure to do so shall be deemed a misdemeanor. Peddlers and solicitors shall wear the permit from a necklace or pin on the front of the individual's body clearly visible there from.

Section 4.04.041. Duration. Every permit issued under the provisions of this ordinance shall be valid for the period of time stated therein, but in no event shall any such permit or license be issued for a period of time in excess of 12 months, or any lesser period of time provided for in this ordinance.

Section 4.04.042. Denial, Revocation, and Appeal.

(a) Denial. The City reserves the right to deny an application for a permit to any person who has:

(1) In the past 12 months:

- A. had a permit issued under this Ordinance revoked;
- B. been convicted of a felony in the past 10 years;
- C. failed to pay sales tax;
- D. received a complaint that solicitation or peddling occurred during the prohibited times identified herein; or,
- E. otherwise violated this ordinance.

(2) In the past 36 months:

- A. had a valid complaint that goods were ordered but not delivered;
- B. had more than one valid complaint that goods were delivered that were not the goods promised; or,
- C. been convicted of a misdemeanor charge involving crimes of moral turpitude.

(3) The permit application does not comply with this Ordinance or other applicable ordinances, rules, regulations or statutes.

(b) Revocation. Any permit issued under the provisions of this ordinance may be revoked for the violation by the permittee or licensee of any provision of this ordinance, state law or other ordinance that directly relates to the duties and responsibilities of the permittee or licensed occupation authorized in the permit. Upon such revocation, such permit shall immediately be surrendered to the authority that issued the permit, and failure to do so shall be deemed a misdemeanor.

(c) Appeal. Any person aggrieved by the denial or revocation of a permit may appeal within five days of the denial or surrender of the permit by written appeal tendered to the City Code Enforcement Officer. A timely filed appeal shall suspend the revocation pending administrative reconsideration by the Mayor. The Mayor may uphold, revise or overturn the denial or revocation. If the Mayor upholds the denial or revocation, the decision shall be effective immediately as to the revocation. Any person aggrieved by the decision of the Mayor must appeal to the City Council within ten (10) days from the decision of the Mayor being mailed to the aggrieved person in writing by tendering a written appeal to the City Code Enforcement Officer. The City Council shall hear the appeal at the next available regular or special City Council meeting. The decision of the City Council is final.

Section 4.04.043. Penalties. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein. Evidence of a culpable mental state shall not be required to establish a violation of this Ordinance.

Section 4.04.044. Enforcement. For the purposes of discharging the duties imposed by this Ordinance and to enforce its provisions, any peace officer or code enforcement officer is empowered to enter upon any premises for which a permit is issued and take such action to enforce this ordinance as permitted in the Code of Criminal Procedure. Unless otherwise specifically set forth in the Ordinances of the City, or in the state law as adopted, allegations and evidence of culpable mental state are not required for proof of an offense.

* * * * *

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

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

Section 4. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 13th day of May, 2014.

CITY MANAGER’S REPORT

City Manager Weik gave a brief report on the following activities in the City of San Saba: TXDOT after extensive discussion, agreed not extend the sidewalks; the Beach was nearing completion and the sand withstood the rain; opening day at the beach there will be the cardboard boat races, fireworks, and band; greens at the Golf Course are doing great; closed on the Police Department Building; taking bids on the roof for the new Police Department; city employees demoing the inside of new P.D.; Chamber moved to the Burden Hotel; Bird Banding; Community Garden, all adopted but one.

OTHER REPORTS

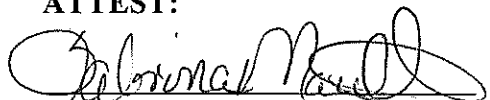
Scott Glaze, Public Works Director, reported that the Cruiser for CTTC is installing fiber optics and working their way through. Scott also said he, Denver and Wayne would be meeting in Goldthwaite tomorrow for a Preconstruction meeting. Dwayne Shaw, Chief of Police, reported that they received a Grant award for \$22,000.00 instead of the \$13,800.00 they were originally told. Tony Guidroz reported on EDC business; 3-person scramble; no rooms or rv’s available; splash day; cardboard races; rodeo; car show; etc. Susie Jimenez updated on KSSB and there were three kids out of forty two entries for the KSSB Waste in Place that were sent in as entries for the Don’t Mess with Texas contest.

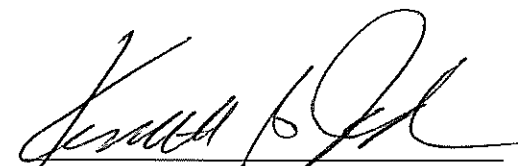
CITY COUNCIL MINUTES

MAY 13, 2014

The meeting adjourned at 6:30 p.m.

ATTEST:


Sabrina Maulsby, City Secretary


Kenneth G. Jordan, Mayor