

**MINUTES
MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN SABA
October 8, 2024**

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

Alderman Marcus Amthor was absent.

Others present were: Sabrina Maultsby – City Secretary
Charlene Lindsay – Finance Director
Scott Glaze – Public Works Director
John Bauer – Police Chief
Michael Whitley – Golf Supervisor
Phillip Cantu – Golf Department Employee
James Yarbrough – Code Enforcement Official
Casey Hibler – Citizen
Stephanie Hibler – Citizen
Colten Whitehead – Citizen
Gaveen Salinas – Citizen
Lukas Smailus - Citizen
Lina Schubert - Citizen
Jordan Livesay – Citizen
Javeen Salinas – Citizen
Ivan Oliver – Citizen
Cory Groomes – Citizen
Laina Murry - Citizen

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

PUBLIC HEARING:

The public hearing was opened to consider a Zoning Change for property located at 708 E. Church Street, San Saba, Texas, Legal Description Block No. 51 of the Old Town San Saba Subdivision, 145’x246.7’ size, currently zoned One-Family Residential (R-2) to be rezoned to Multi-Family Residential (R-4), requested by Deryl Hoyt and Heath Eckerman, owners of D&H Properties, LLC.

The Planning and Zoning Commission met in Open Session on September 26, 2024 and voted with a 3 to 0 Vote in favor of approving this Zoning Variance.

The City encourages citizens to make their views known at this public hearing.

Close Public Hearing at 6:02 p.m.

PUBLIC COMMENTS: None

PRESENTATIONS:

Phillip (Bubba) Cantu, Employee working at the Golf Course, was selected as the Employee of the Month for October. Michael Whitley, Golf Course Supervisor and Mayor Kenneth Jordan presented Phillip with a plaque with his name on it and a gift certificate to a local restaurant.

CONSENT AGENDA:

On a motion by Alderman Shawn Oliver, seconded by Alderman Marcus Amthor, Council unanimously approved the following: minutes from the September 10th, 2024, Regular City Council Meeting; payment of bills; Approved Resolution No. 2024-29 waiving noise ordinance on October 19th, 2024 for Rosanne Moreno at Risien Park Pavilion; approved Resolution No. 2024-30 authorizing the City to enter into an agreement with TxDOT for the closure of Wallace Street on December 14, 2024 to accommodate the Christmas Parade; and approved Resolution No. 2024-31 a Resolution closing the 300 and 400 blocks of East Wallace Street to parking one hour prior and during the Annual Christmas Parade on December 14, 2024.

RESOLUTION 2024-29

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, **Rosanne Moreno, 706 W. Gulf, San Saba, Texas**, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played at the Risien Park Pavilion on October 19th, 2024 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 October 19, 2024 at the Risien Park Pavilion.

Passed and approved this 8th day of October, 2024.

RESOLUTION 2024-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS, TO AUTHORIZE THE CITY TO ENTER INTO AN AGREEMENT WITH (TXDOT) TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CLOSURE OF ONE OF THE STATE'S

RIGHT-OF-WAY'S (HWY 190 OR WALLACE STREET); AND AUTHORIZING THE MAYOR AND/OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CONTRACT.

WHEREAS, the City of San Saba has requested the temporary closure of Wallace Street for the purpose of the Christmas Parade on December 14th, 2024 at 6:30 p.m.; and

WHEREAS, the Parade will be located within the City's incorporated area; and

WHEREAS, the State, in recognition of the public purpose of the Parade, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State's right-of-way will be performed within the State's requirements,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS: that the City Council authorizes the Mayor and/or City Manager to act as the City's Executive Officer and authorized representative in all matters pertaining to the contract with TxDOT.

APPROVED this the 8th day of October 2024.

RESOLUTION NO. 2024-31

A RESOLUTION CLOSING THE 300 AND 400 BLOCKS OF EAST WALLACE STREET TO PARKING ONE HOUR PRIOR AND DURING THE ANNUAL CHRISTMAS PARADE IN DECEMBER; PROVIDING FOR BARRIERS AND WARNING DEVICES; SEVERABILITY AND AN OPEN MEETING CLAUSE

WHEREAS, pursuant to Chapter 311 of the Texas Transportation Code, a general-law municipality such as San Saba has exclusive control over the highways, and streets of the municipality;

WHEREAS, City of San Saba Downtown business owners have asked the City Council to prohibit parking on the 300 and 400 blocks of East Wallace during a specific time frame;

WHEREAS, parking would be prohibited in this specific area for one hour prior and during the annual Christmas Parade;

WHEREAS, prohibiting parking in this area during this time will not harm public right of way uses by the City nor hinder emergency services personnel from protecting the public;

WHEREAS, prohibiting parking in this area during the parades will serve and protect the public health and safety of all citizens and visitors to San Saba.

WHEREAS, City Police staff are authorized and empowered to install barriers to prevent parking in this area during this time.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS, THAT: the 300 and 400 blocks of East Wallace Street will be closed to parking for one hour prior to and during the annual Christmas Parade.

APPROVED this the 8th day of October, 2024.

DISCUSSION/ACTION ITEMS:

The first item for discussion/action was to Discuss, consider, and approve the 2025 Holiday Schedule for the City of San Saba. Alderman Shawn Oliver made the motion to approve the 2025 Holiday Schedule for the City of San Saba, seconded by Alderman Michael Nelson and was unanimously approved by all.

CITY OF SAN SABA
2025 HOLIDAY SCHEDULE

- NEW YEAR’S DAY WEDNESDAY - JANUARY 1, 2025
- MARTIN LUTHER KING DAY MONDAY – JANUARY 20, 2025
- PRESIDENT’S DAY MONDAY – FEBRUARY 17, 2025
- GOOD FRIDAY FRIDAY – APRIL 18, 2025
- EASTER HOLIDAY (Observed) MONDAY – APRIL 21, 2025
- MEMORIAL DAY MONDAY – MAY 26, 2025
- JUNE TEENTH NAT’L IND. DAY THURSDAY - JUNE 19, 2025
- INDEPENDENCE DAY FRIDAY - JULY 4, 2025
- LABOR DAY MONDAY – SEPTEMBER 1, 2025
- COLUMBUS DAY MONDAY – OCTOBER 13, 2025
- VETERAN’S DAY (OBSERVED) TUESDAY - NOVEMBER 11, 2025
- THANKSGIVING DAY THURSDAY – NOVEMBER 27, 2025
& DAY AFTER FRIDAY – NOVEMBER 28, 2025
- CHRISTMAS EVE WEDNESDAY - DECEMBER 24,
2025
- CHRISTMAS DAY THURSDAY – DECEMBER 25, 2025
- NEW YEAR’S EVE WEDNESDAY – DECEMBER 31,
2025
- BIRTHDAY – 1 DAY OFF TO BE TAKEN 30 DAYS BEFORE OR AFTER BIRTHDA

The Second discussion/action item was to Discuss, consider, and take possible action regarding Ordinance No. 2024-13, an Ordinance of the City of San Saba, Texas, related to a Zoning Change for property located at 708 E. Church Street, San Saba, Texas, Legal Description Block No. 51 of the Old Town San Saba Subdivision, 145’x246.7’ size, currently zoned One-Family Residential (R-2) to be rezoned to Multi-Family Residential (R-4) requested by Deryl Hoyt and Heath Eckerman, owners of D&H Properties, LLC. Alderman Shaw Oliver made a motion to approve Ordinance No. 2024-13 approving the Zoning Change for Property located at 708 E. Church Street, from One-Family Residential (R-2) to be rezoned to Multi-Family Residential (R-4), seconded by Alderman Michael Nelson and unanimously approved by all.

ORDINANCE 2024-13

AN ORDINANCE AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF SAN SABA, TEXAS

WHEREAS, Deryl Hoyt and Heath Eckerman, owners of D&H Properties, LLC applied to the Planning and Zoning Commission requesting a Zoning Change currently zoned One-Family Residential (R-2) to be rezoned to Multi-Family Residential (R-4) for property located at 708 E. Church Street, San Saba, Texas, Legal Description Block No. 51 of the Old Town San Saba Subdivision, 145’x246.7’.

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

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

WHEREAS, the City Council of the City of San Saba did give notice as required by said Zoning Ordinance for a public hearing to be held on same in accordance with the said Zoning Ordinance, which hearing was set for Tuesday, October 8th, 2024 at 6:00 p.m.; and,

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

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of San Saba that the property located at 708 E. Church Street, San Saba, Texas, Legal Description Block No. 51 of the Old Town San Saba Subdivision, 145’x246.7’ be changed from One-Family Residential (R-2) to Multi-Family Residential (R-4) zoning classification.

PASSED AND APPROVED this the 8th day of October, 2024

The third discussion/action item was to Discuss, consider, and take possible action regarding Resolution No. 2024-32, a Resolution of the City of San Saba, Texas in regard to a Finance Contract between the City of San Saba and Government Capital Corporation for the Purpose of Financing a “Police Vehicle”. Alderman Michael Nelson made the motion to approve Resolution No. 2024-32 regarding a Finance Contract between the City of San Saba and Government Capital Corporation for the Purpose of Financing a “Police Vehicle”, seconded by Alderman Oleta Behrens and was unanimously approved by a 3 to 0 Vote.

RESOLUTION NO. 2024-32

A RESOLUTION REGARDING A CONTRACT FOR THE PURPOSE
OF FINANCING
"VEHICLE(S)".

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

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

Section 1. That the Issuer will enter into a Finance Contract with GCC for the purpose of financing "VEHICLE(s)".

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

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

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

This Resolution has been PASSED upon Motion made by Council Member Michael Nelson, seconded by Council Member Oleta Behrens by a vote of 3 Ayes to 0 Nays and is effective this October 8, 2024.

The fourth discussion/action item was to Discuss, consider, and take possible action regarding Resolution No. 2024-33, a Resolution of the City of San Saba, Texas in regard to a Finance Contract between the City of San Saba and Government Capital Corporation for the purpose of Financing "Golf Equipment". Casey Hibler signed up to speak in opposition of approving Resolution No. 2024-33. Alderman Shawn Oliver made a motion to approve Resolution No. 2024-33 regarding a Finance Contract between the City of San Saba and Government Capital Corporation for the purpose of Financing "Golf Equipment", seconded by Alderman Oleta Behrens and was unanimously approved by a 3 to 0 Vote.

RESOLUTION No. 2024-33

A RESOLUTION REGARDING A CONTRACT FOR THE PURPOSE
OF FINANCING
"GOLF EQUIPMENT".

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

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

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

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

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

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

This Resolution has been PASSED upon Motion made by Council Member Shaw Oliver, seconded by Council Member Oleta Behrens by a vote of 3 Ayes to 0 Nays and is effective this October 8, 2024.

The fifth discussion/action item was to Discuss, consider, and take possible action regarding Resolution No. 2024-34 a Resolution to waive an ordinance defining noise nuisances on behalf of Lynn Hamrick regarding Hamrick's Automotive Customer Appreciation Street Dance on May 3rd, 2025, on the east side of the San Saba County Courthouse San Saba, Texas. Mayor Jordan made a note of correction to item number five as written and should be on the west side of the San Saba County Courthouse instead of the east side of the San Saba County Courthouse. City Manager Edmonson explained that Mr. Hamrick is needing to have this taken to Council due to signing a contract and putting half down for Moe Bandy to secure this event. After deliberation and discussion Alderman Shawn Oliver made a motion to approve Resolution No. 2024-34, seconded by Alderman Oleta Behrens, and was approved by majority vote.

RESOLUTION 2024-34

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, Lynn Hamrick on behalf Hamrick’s Automotive Customer Appreciation Street Dance, San Saba, Tx, has asked the City Council to waive Ordinance No. 1967-4 to allow music to be played on the West side of the Courthouse on May 3rd, 2025, 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 3, 2025 at the Hamrick’s Automotive Customer Appreciation Street Dance located on the West side of the Courthouse.

Passed and approved this 8th day of October, 2024.

The sixth discussion/action item was to Discuss, consider, and take possible action regarding Ordinance No. 2024-14 temporarily closing Cherokee Street from E. Wallace Street to E. Commerce Street and E. Commerce Street from Highway 16 South to Liveoak Street on May 3, 2025, from 6:00 pm to 12:00 am on behalf of Lynn Hamrick regarding Hamrick’s Automotive Customer Appreciation Street Dance. After extended deliberation and discussion Alderman Shawn Oliver made a motion to approve Ordinance No. 2024-14 temporarily closing Cherokee Street from E. Wallace Street to E. Commerce Street and E. Commerce Street from Highway 16 South to Liveoak Street on May 3, 2025, from 6:00 pm to 12:00 am on behalf of Lynn Hamrick regarding Hamrick’s Automotive Customer Appreciation Street Dance, seconded by Alderman Oleta Behrens and was unanimously approved by all.

ORDINANCE NO. 2024-14

AN ORDINANCE APPROVING A REQUEST SUBMITTED BY LYNN HAMRICK ON BEHALF OF HAMRICK’S AUTOMOTIVE CUSTOMER APPRECIATION DAY TO TEMPORARILY CLOSE THE BLOCK OF CHEROKEE STREET BETWEEN EAST WALLACE STREET AND EAST COMMERCE STREET AND TWO BLOCKS OF EAST COMMERCE STREET BETWEEN HIGHWAY 16 SOUTH TO SOUTH LIVEOAK FROM THE HOURS OF 6:00 P.M. TO 12:00 A.M. ON MAY 3, 2025.

WHEREAS, Lynn Hamrick, Owner of Hamrick’s Automotive, 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 and two block of East Commerce Street between Highway 16 South to South Liveoak on May 3, 2025 from 6:00 p.m. to 12:00 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 and two blocks of East Commerce Street be temporarily closed from the hours of 6:00 p.m. to 12:00 a.m. on May 3, 2025.

PASSED AND APPROVED this the 8th day of October, 2024.

The seventh discussion/action item was to Discuss, consider, and take possible action regarding Ordinance No. 2024-15 to temporarily closing Third Street from Pecan Street to Brown Street on behalf of the Methodist Church for a Church sponsored event from 5:00 pm to 9:00 pm on December 8, 2024. Laina Murray addressed the City Council explaining that they will have a live Nativity Scene, and they are requesting to block off that portion of Third Street for parking for the animals and that it is more of a safety concern. Alderman Michael Nelson made a motion to approve Ordinance No. 2024-15 temporarily closing Third Street from Pecan Street to Brown Street on behalf of the Methodist Church for a Church sponsored event from 5:00 pm to 9:00 pm on December 8, 2024, seconded by Alderman Oleta Behrens, and was unanimously approved by all.

ORDINANCE NO. 2024-15

AN ORDINANCE APPROVING A REQUEST SUBMITTED BY FIRST UNITED METHODIST CHURCH TO TEMPORARILY CLOSE A PORTION OF NORTH THIRD STREET FOR A CHURCH SPONSORED EVENT FROM 5:00 P.M. TO 9:00 P.M. ON DECEMBER 8, 2024.

WHEREAS, First United Methodist Church is requesting to temporarily close a portion of North Third Street located on the West Side of the Church between West Brown Street and West Pecan Street;

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

WHEREAS, this portion of North Sixth Street would only be closed from 5:00 p.m. to 9:00 p.m. on December 8, 2024;

WHEREAS, the closing of the 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;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS that this portion of North Third Street from West Brown Street and West Pecan Street be temporarily closed from 5:00 p.m. to 9:00 p.m. on December 8, 2024.

PASSED AND APPROVED this the 8th day of October, 2024.

The eighth discussion/action item was to Discuss, consider, and take possible action regarding Resolution No. 2024-35 regarding San Saba County Judge Jody Fauley requesting the City of San Saba City Council waive Ordinance No. 2023-03 defining the use of Storage Containers. City Manager Edmonson explained that Sea Container would be located on the east side of the Courthouse, the container would only take up two parking spaces and be there approximately thirty days. He also said they would not be doing this during Sip-N-Stroll. Mayor Pro-Tem Robert Whitten made a motion to approve Resolution No. 2024-35 regarding San Saba County Judge Jody Fauley requesting the City of San Saba City Council waive Ordinance No. 2023-03 defining the use of Storage Containers, Seconded by Alderman Michael Nelson and was unanimously approved by all.

RESOLUTION 2024-35

A RESOLUTION OF THE CITY OF SAN SABA TO WAIVE AN ORDINANCE DEFINING THE USE OF STORAGE CONTAINERS

WHEREAS, the City of San Saba desires to regulate the use of Cargo, Shipping Containers or Storage Containers and Accessory Buildings within the City of San Saba.

WHEREAS, the improper use and location of these types of containers, including their uses as accessory storage structures can be unsightly, dangerous and inappropriate so as to negatively affect municipal aesthetics and impact property values and the overall health, safety and welfare of the City of San Saba; and

WHEREAS, the City of San Saba requires a permit for the placement of such containers, providing standards for use and development of storage containers.

WHEREAS, San Saba County Judge Jody Fauley, 500 E. Wallace Street, San Saba, Texas, has asked the City Council to waive Ordinance No. 2023-03 allowing the temporary placement of a 40’x8’ Storage Container be placed on the East side of the San Saba County Courthouse for Elevator Repair beginning on or about December 16th, 2024, for approximately thirty (30) days or completion of project.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of San Saba is hereby authorizing San Saba County the temporary placement of a 40’x8’ Storage Container to be placed on the East side of the San Saba County Courthouse beginning on or about December 16th, 2024, for approximately thirty (30) days or completion of project.

Passed and approved this 8th day of October, 2024.

The ninth discussion/action item was to Discuss, consider, and take possible action regarding Ordinance No. 2024-16 an Ordinance of the City of San Saba, Texas for the regulation of Drilling and Use of Wells for a Water Supply. Casey Hibler signed up to speak in opposition of Ordinance No. 2024-16 explaining he was against people being fined or penalized for having pre-existing wells and that things are hard enough during this time. Water/Wastewater Supervisor Jesse Hunt was available to explain that the Ordinances have always been in place however, recently we have been approached by several people wanting to drill a well within the city limits and we are just trying to clarify and make clearer with this ordinance so we don’t have to go to several areas to explain why this can’t be done. He also explained that due to safety concerns of cross contamination and the City’s main concern is health and safety of the community. Alderman Shawn Oliver made a motion to approve Ordinance No. 2024-16 an Ordinance of the City of San Saba, Texas for the regulation of Drilling and Use of Wells for a Water Supply, seconded by Alderman Oleta Behren, and was unanimously approve with a 4 to 0 vote.

ORDINANCE No. 2024-16

AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS, FOR THE REGULATION OF DRILLING AND USE OF WELLS FOR A WATER

SUPPLY; PROVIDING A PENALTY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of San Saba, Texas, has become aware of certain health risks associated with the unregulated drilling and use of wells for water; and

WHEREAS, the City of San Saba, Texas, desires to adopt certain regulations for the drilling and use of wells for water supply to avoid cross contamination for the health, safety, and public welfare of the citizen; and

WHEREAS, the City Council of the City of San Saba, Texas (the "City Council") has determined that this proposed ordinance is reasonable and necessary to effectuate the goals of the city.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Chapter 13, Article 02, Division 3. Chapter 13, Article 02, Division 3, is hereby amended by the addition of Section 13.02.317, attached hereto as **Exhibit A** and incorporated by reference herein.

Section 3. Repealing all Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict or inconsistency. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of San Saba, the terms and provisions of this ordinance shall control.

Section 4. Savings Clause. This City Council of the City of San Saba, Texas hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

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 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 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was considered 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, Texas Government 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 Texas Local Government Code.

PASSED AND APPROVED on this the 8th day of October, 2024.

Exhibit A

§ 13.02.317 Wells

(a) Purpose. This subchapter is adopted to protect the city's public water supply from depletion and contamination to protect the health, safety, and welfare of the citizens.

(b) Definition.

Private Water Well means any hand-dug, bore hole, or other contrivance, greater than ten feet in depth used for a water well

(c) Water Wells Prohibited; Exceptions. Except as permitted by this subchapter, it shall be unlawful for any person to dig, drill, or to have dug, drilled, a water well to procure domestic water for consumption for themselves or others or for irrigation within the city limits or extraterritorial jurisdiction of the city after the effective date of this subchapter.

(d) Exceptions.

(1) Existing Wells. Any person owning property upon which there a water well existing prior to the effective date of this subchapter may not expand, dig or bore in a greater depth than exists at the time of the effective date of this subchapter, nor shall at no time connect any piping from that well to piping which is connected to the city's municipal water system.

(2) Application for a Well. A water well after the effective date of this subchapter is only permitted if a water connection is not available nor may be made available by the city and as provided herein. If a water connection After receipt of an application for a water well drilling permit within the city limits or the city extraterritorial jurisdiction of the city, the city shall, within 30 days after the receipt of the permit application and fee, grant or deny the permit based on the following criteria:

(i) The application and permit was timely, complete, and submitted the proper fee.

(ii) After review of the application and available hydrology data from available sources such as the Texas Commission of Environmental Quality (TCEQ) and the local groundwater conservation district, the City Engineer and city staff conclude that the proposed water well poses no immediate threat to the health, safety and welfare of the citizens and consumers of the city water system; and

(iii) The City Engineer and city staff determine that it is economically and/or physically impractical for the city to provide water to the person or property to be

served by the proposed water well due to the location or proximity of the proposed water well and its service area, the depth of the well aquifer and the proposed use of the water well such as domestic or agricultural use.

(e) General. No water well may be drilled or installed unless the water well is drilled and the water supply is protected in accordance with Texas Commission on Environmental Quality (TCEQ) rules and regulations for public water systems (TCEQ Rules) and this subchapter, as they exist and as they may be amended.

(f) Permit and Fee.

(1) A city issued permit is required prior to the drilling and installation of water wells within the territorial limits of the city or its extraterritorial jurisdiction.

(2) No permit or application fee shall be required for the permit to administer and inspect the installation of water wells within the territorial limits of the city or its extraterritorial jurisdiction.

(3) Every application for a permit of the drilling, construction, repair and correction, abandonment or plugging of a well shall state: the name and address of the owner thereof; the purpose for which the permit is desired; the location of the well or the proposed well; its approximate depth; and if for a permit for the drilling or construction or repair and correction of a water well, the estimate amount of water to be pumped, or which is pumped daily, monthly or annually, and the use or uses for which the water will be or is required; if for a permit for the drilling or construction or repair and correction of a water well, the proposed method of drilling or construction, or the proposed method of repair and correction, and kind of equipment to be used, and in all cases, the name of the contractors, and license number issued by the Texas Water Well Drillers Board, if done through a contractor, whom the owner desires to drill or construct, repair and correct, or do the work pursuant to an abandonment of a well in compliance to this subchapter.

(g) Permit Required for Work on Wells. It shall be unlawful for any person to drill or otherwise construct, repair, correct, abandon or plug a well or to engage upon such work, within the city limits and extraterritorial jurisdiction of the city, or to employ anyone else to engage in such work, without first applying for and securing a permit from the city. Such permit may be granted with the approval of the city's authorized agent to any person who files with the city the application hereinafter required and complies with all applicable other provisions of city ordinances.

(h) Licensing Required. Wells may only be drilled and installed according to and by licensed water well drillers and water well pump installers as provided by the Texas Department of Licensing and Regulation, as those rules and regulations exist and as they may be amended.

(i) Penalty.

(1) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 1.01.009 of the code of ordinances.

(2) Any person violating the terms of this chapter shall be guilty of a misdemeanor and shall be guilty of an offense relating to the preservation of public health or to the fire safety of a building or other structure and shall be subject to a fine or penalty not to exceed \$2,000. Furthermore, the city shall be permitted to seek injunctive relief to prohibit continued use of any cross-connected well, or to stop the use of any newly dug well, or to stop continued digging of such a well, and to require mandatory capping and sealing of any well dug in violation of this chapter.

The tenth discussion/action item was to Discuss, consider, and take possible action regarding a Non-Terminal Agency Agreement between the San Saba County Sheriff Office and the San Saba Police Department. Alderman Michael Nelson made a motion to approve a Non-Terminal Agency Agreement between the San Saba County Sheriff Office and the San Saba Police Department, seconded by Alderman Oleta Behrens and was unanimously approved on a 4 to 0 vote.

NON-TERMINAL AGENCY AGREEMENT This document constitutes an agreement between San Saba County Sheriff Department hereinafter called the Terminal Agency, and San Saba Police Department hereinafter called the Non-Terminal Agency. The Terminal Agency agrees to provide the Non-Terminal Agency with access to the Texas Law Enforcement Telecommunications System (TLETS), the Texas Crime Information Center (TCIC), and the National Crime Information Center (NCIC), and associated systems on a 24-hour, 7 day per week basis. The Non-Terminal Agency agrees to abide by all laws of the United States and the state of Texas, and all present or hereafter approved rules, policies and procedures of TLETS, NLETS, TCIC, NCIC and any other systems now or in the future associated with TLETS concerning the collection, storage, processing, retrieval, dissemination and exchange of information for criminal justice purposes. The Terminal Agency reserves the right to suspend service to the Non-Terminal Agency, which may include canceling of records entered for the Non-Terminal Agency, when applicable policies are violated. The Terminal Agency may reinstate service following such instances upon receipt of satisfactory assurances that such violations have been corrected. In order to comply with NCIC policies established by the NCIC Advisory Policy Board, the Non - Terminal Agency agrees to maintain accurate records of all TCIC/NCIC entries made through the Terminal Agency and to immediately notify the Terminal Agency of any changes in the status of those reports, to include the need for cancellation, additions, deletion or modification of information. The Terminal Agency agrees to enter, update and remove all records for the Non-Terminal agency on a timely basis, as defined by NCIC. In order to comply with NCIC hit confirmation requirement the agencies agreed to the following: If wanted person records are to be entered with the Terminal Agency's ORI, the Non-Terminal Agency **must** deliver to the Terminal Agency the original warrants to be held on file until such time as the record is canceled/cleared. If property and missing person records are to be entered with the Terminal Agency's ORI, the Non-Terminal Agency must deliver case reports to the Terminal Agency to be held on file until such time as the records is cancelled/cleared. If the records are to be entered with the Non-Terminal Agency's ORI, the Terminal Agency agrees to immediately forward all request for hit confirmation that might be received at the terminal to the Non-Terminal Agency. The Non-Terminal Agency agrees to comply with the NCIC hit confirmation policy. If the Non-Terminal Agency is a non-24 hour agency, the records must be entered with the Terminal Agency's ORI, and case reports and original warrants must be held at the Terminal Agency for hit confirmation purposes. In order to comply with NCIC Validation requirements, the Non-Terminal Agency agrees to perform all validation procedures as required by

NCIC on all records entered through the Terminal Agency. Criminal History information obtained from the TLETS terminal of the Terminal Agency will be handled according to TCIC/NCIC guidelines by the Non-Terminal Agency. Either the Terminal Agency or the Non-Terminal Agency may, upon thirty days written notice, discontinue this agreement. (Non-Terminal Agency Agreement)

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To the extent allowed by the laws of the State of Texas, the Non-Terminal Agency agrees to indemnify and save harmless the Terminal Agency as well as the DPS, its Director and employees from and against all claims, demands, actions and suits, including but not limited to any liability for damages by reason of or arising out of any false arrests or imprisonment or any cause of the Non-Terminal Agency or its employees in the exercise of the enjoyment of this Agreement.

The Terminal Agency agrees to make available to the Non-Terminal Agency all TLETS/NLETS and TCIC/NCIC publications and policies as are available to it so that the Non-Terminal Agency may comply with the policies of TLETS/NLETS and TCIC/NCIC.

This agreement becomes effective on the 8th day of October, 2024.

In witness whereof, the parties here to cause this agreement to be executed by the proper officers and officials.

Terminal Agency

Non-Terminal Agency

By:

By:

Title: San Saba County Sheriff

Title: San Saba Police Chief

Date: 10/08/24

Date: 10/08/24

CITY MANAGER’S REPORT

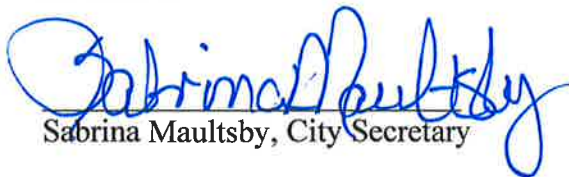
Scott Edmonson, City Manager gave a brief report on the following activities in the City of San Saba: Ten Blocks of paving done by the Street Department; ATMOS Project is posted on the City’s Facebook page; Sidewalk Project on the South side is complete with the exception of the light poles; the North side Sidewalk Project we are still waiting on pavers to complete; the Electric Department installed a new flag pole and light at the City Cemetery; Wayne Yarbrough, Code Enforcement Official is back after being out due to a lengthy illness; KSSB Golf Tournament went well; October 19th Fall Cleanup; Parks Department installing Christmas Lights; work needing to be done on the Downtown lights; Street and Golf Departments have been paving the Cart Trails at the Golf Course.

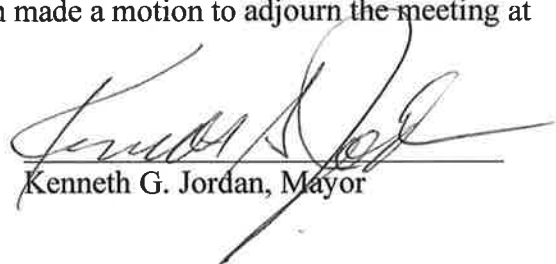
OTHER REPORTS

None

As there was no further discussion, Mayor Robert Whitten made a motion to adjourn the meeting at 6:40 p.m.

ATTEST:


Sabrina Maultsby, City Secretary


Kenneth G. Jordan, Mayor