

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

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

Others present were: Gale Ivy – City Secretary  
Charlene Lindsay – Finance Director  
Scott Glaze – City Employee  
Denver Daniel – City Employee  
Dwayne Shaw – City Police  
Tony Guidroz – City Employee  
Farrel Whitley – City Employee  
Amado Vasquez – City Employee  
Avilio Gonzales – City Employee  
Sharon O’Neill – City Employee  
Keenan Ringo – City Police  
Sgt. Maldonado – City Police  
Jackson Idol – City Policy  
Officer Boomer – Canine Police  
Alice Smith – San Saba News & Star

At 6:00 p.m. Mayor Pro-Tem Whitten called the meeting to order as the Mayor was running late, announced a quorum present, and Alderman Amthor led the invocation and pledges.

**PUBLIC COMMENTS:** None

**PRESENTATIONS:**

Amado Vasquez, city employee working in Parks Department, was selected as the Employee of the Month for January. Scott Glaze and Alderman Amthor presented Amado with a plaque with his name on it and a gift certificate to a local restaurant. Billy Gonzales was also introduced as a recent new hire to the City.

**CONSENT AGENDA:**

On a motion by Alderman Oliver, seconded by Alderman Behrens, Council unanimously approved the following: minutes from the December 10, 2013 council meeting; payment of bills; approved Resolution No. 2014-01 designating the San Saba News and Star as the official town newspaper;

approved Resolution No. 2014-02 appointing Gale Ivy to the KSSB for a two year term expiring January 2016 replacing Joanne Weik; acceptance of 2013 Racial Profiling Report; and approved Ordinance No. 2014-01 temporarily closing a portion of Fourth Street on January 25, 2014.

**RESOLUTION NO. 2014-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN SABA, TEXAS DESIGNATING THE SAN SABA NEWS  
AND STAR AS THE OFFICIAL CITY NEWSPAPER**

**WHEREAS**, Local Government Code § 52.004 requires that a municipality shall contract with and name an official newspaper; and,

**WHEREAS**, The San Saba News and Star meets the statutory requirements of eligibility for designation as an official newspaper.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS THAT THE SAN SABA NEWS AND STAR IS DESIGNATED THE OFFICIAL NEWSPAPER OF THE CITY OF SAN SABA, TEXAS.**

Passed, approved and resolved this the 13<sup>th</sup> day of January, 2014.

**RESOLUTION 2014-02**

**WHEREAS**, the City Council of the City of San Saba, is the governing body of the Keep San Saba Beautiful Commission, and

**WHEREAS**, the City Council of the City of San Saba has the authority to appoint directors to the Keep San Saba Beautiful Commission,

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of San Saba hereby appoints Gale Ivy for two year terms to the Keep San Saba Beautiful Commission with terms expiring January 2016 to replace retiring member Joanne Weik.

Passed and approved this 13<sup>th</sup> day of January, 2014.

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# Racial Profiling Report - Partial Exemption

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## SAN SABA POLICE

01/01/2013 - 12/31/2013

**Number of motor vehicle stops:**

(Only 1 category per vehicle stop)

1) 167 Citation Only

2) 0 Arrest Only

3) 12 Both

4) 179 Total

**Race or Ethnicity:**

5) 2 African

6) 0 Asian

7) 121 Caucasian

8) 56 Hispanic

9) 0 Middle Eastern

10) 0 Native American

11) 179 Total

**Race or Ethnicity known prior to stop?**

12) 17 Yes

13) 162 No

14) 179 Total

**Search conducted?**

15) 19 Yes

16) 160 No

17) 179 Total

**Was search consented?**

18) 8 Yes

19) 11 No

20) 19 Total

(Must equal #15)

Verification Information

Traffic Stops without Racial Profile Information (i.e. Perceived Race Code): 0

Traffic Stops without Person Information: 0

Traffic Stops without "Additional Data" under Racial Profile Information section (i.e Search Conducted, etc.): 0

Traffic Stops with "Additional Data" and Person Information: 179

**ORDINANCE NO. 2014-01**

**AN ORDINANCE APPROVING A REQUEST SUBMITTED BY CITIZEN LIVING AT 307 W. COMMERCE STREET TO TEMPORARILY CLOSE FOURTH STREET BETWEEN COMMERCE AND DRY STREET FROM THE HOURS OF 5:00 P.M. TO 12:00 MIDNIGHT ON JANUARY, 25, 2014.**

**WHEREAS**, Bob and Martha Leigh Whitten living at 307 W. Commerce Street, San Saba, Texas have requested from the City Council of the City of San Saba for permission to close the portion of Fourth Street located between Commerce and Dry Streets January 25, 2014 from 5:00 p.m. to 12:00 midnight.

**WHEREAS**, the other home located on this section of Fourth Street that would be affected by this closure is 204 S. Fourth and the owners, Charles and Grey-Leigh Peeler, have agreed to the closure; no other homes are on this section of street;

**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 Fourth Street be temporarily closed from the hours of 5:00 p.m. to 12:00 midnight on January 25, 2014.**

**PASSED AND APPROVED this the 13<sup>th</sup> day of January, 2014.**

**DISCUSSION/ACTION ITEMS:**

The first discussion item was to discuss and consider Resolution No. 2013-45 approving purchase of “old San Saba Butane Building” by the San Saba Economic Development Corporation for \$55,000 plus \$5,000 for a drawing or rendition of proposed improvements on second reading. The San Saba EDC met on November 14, 2013 and voted to ask the city council to approve their purchase of the above building which will be used as a tourist facility as well as provide restroom facilities for downtown. The Community Foundation has voted to provide some financial support to help with the renovations. Council approved on first reading at the December 10, 2013 meeting. On a motion by Alderman Amthor, seconded by Alderman Oliver, Council unanimously approved on second reading Resolution No. 2013-45 approving the purchase of “old San Saba Butane Building by the San Saba Economic Development Corporation.

**RESOLUTION NO. 2013-45**

**A RESOLUTION SUPPORTING THE EFFORTS OF THE SAN SABA ECONOMIC DEVELOPMENT CORPORATION (SSEDC) TO ASSIST IN PROVIDING CERTAIN INFRASTRUCTURAL IMPROVEMENTS WHICH PROMOTE OR DEVELOP NEW OR EXPANDED BUSINESS ENTERPRISES FOR THE CITY OF SAN SABA AND TO MEET THE REQUIREMENTS OF LOCAL GOVERNMENT CODE, TITLE 12, SECTION 505.158, PROJECTS RELATED TO BUSINESS DEVELOPMENT IN CERTAIN SMALL MUNICIPALITIES**

**WHEREAS**, the City of San Saba is committed to the promotion of quality development in all parts of the City; and

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

**WHEREAS**, the San Saba Economic Development Corporation, a Type B economic development corporation organized pursuant to Chapter 505 of the Texas Local Government code, met in an open meeting on November 14, 2013 to discuss and receive input from owners of property being considered for purchase; and

**WHEREAS**, the San Saba Economic Development Corporation has requested funds to purchase the “old San Saba Butane Building” to be renovated and used as a tourist facility as well as provide restroom facilities for downtown; and

**WHEREAS**, the City Council has been asked to approve the purchase by adopting this resolution pursuant to Tex. Loc. Govt. Code 505.158 because it will require the expenditure of more than \$10,000 by the SSED; and

**WHEREAS**, this resolution has been given two separate readings: one on December 10, 2013 and the second on January 14, 2014 in accordance with Section 505.158 cited above;

**WHEREAS**, the City Council desires to authorize the purchase of this property for \$55,000 plus an additional \$5,000 to be used for a drawing or rendition of improvements to the property.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN SABA that the purchase of the “old San Saba Butane Bldg.” is hereby APPROVED AND AUTHORIZED.**

**PASSED AND APPROVED** on First Reading this 10<sup>th</sup> day of December, 2013.

**FINALLY PASSED AND APPROVED** on this 13<sup>th</sup> day of January, 2014.

The second discussion item was to discuss and consider approval of Ordinance No. 2014-02 amending Chapter 3 Building Regulations of the Code of Ordinances to add a new article (Article 3.07) entitled “Wind Energy Systems”. City Manager Weik explained that this ordinance was being passed for the City to be in a position to control the location and other details of any wind energy system which might be proposed to be located within the city limits by its citizens. On a motion by Alderman Peeler, seconded by Alderman Behrens, council unanimously approved Ordinance No. 2014-02 adding Article 3.07 “Wind Energy Systems” to Chapter 3 of the Building Regulations of the Code of Ordinances.

**ORDINANCE NO. 2014-02**

**AN ORDINANCE OF THE CITY OF SAN SABA, TEXAS AMENDING CHAPTER 3 BUILDING REGULATIONS, OF THE CODE OF ORDINANCES TO ADD A NEW ARTICLE (ARTICLE 3.07) ENTITLED “WIND ENERGY SYSTEMS”; PROVIDING REGULATIONS FOR THE CONSTRUCTION, USE AND OPERATION OF WIND ENERGY SYSTEMS; PROVIDING FOR PERMITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1.** That Chapter 3 Building Regulations, of the Code of Ordinances of the City of San Saba, Texas, is hereby amended to add a new article entitled “Wind Energy Systems”, and Article 3.07 shall read as follows:

**SECTION 2.** That all ordinances of the City of San Saba in conflict with the provisions of this ordinance be and are hereby repealed and any ordinances not so in conflict shall remain in full force and effect.

**SECTION 3.** That any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with Section 3.0707 of this ordinance, and each and every day’s violation shall constitute a separate offense.

**SECTION 4.** That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance hereby adopted are severable and, if any phrase, clause, sentence, paragraph, or section shall be declared unconstitutional by the valid judgment of any court or competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, or sections, since the same would have been enacted by the City Council without the incorporation of any unconstitutional phrase, clauses, sentences, paragraphs, or sections, since the same would have been enacted by the City Council without the incorporation of any unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 5.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SAN SABA, TEXAS, ON THIS THE 13<sup>TH</sup> DAY OF JANUARY, 2014.**

**CHAPTER 3  
BUILDING REGULATIONS  
ARTICLE 3.07 – WIND ENERGY SYSTEMS**

**SECTION 3.0701 – Purpose and Intent**

The purpose of this article is to oversee the permitting of wind energy systems in order to preserve and protect the public health and safety without significantly increasing the cost or decreasing the efficiency of wind energy systems.

**SECTION 3.0702 – Definitions**

For the purpose of this article, the following words and phrases shall have the meanings ascribed to them:

*ANSI* – shall mean the American National Standards Institute

*dB(A)* – shall mean the sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. It is a method for weighting the frequency spectrum to mimic the human ear.

*Decibel* – shall mean the unit of measurement used to express the magnitude of sound pressure and sound intensity.

*FAA* – shall mean the individual or entity that intends to own and operate the wind energy system in accordance with this article and includes the person or entity that owns the real estate on which the wind energy system is situated as well as any occupant or person in control or supervision of the real estate.

*Owner* – shall mean the individual or entity that intends to own and operate the wind energy system in accordance with this article and includes the person or entity that owns the real estate on which the wind energy system is situated as well as any occupant or person in control or supervision of the real estate.

*Primary Structure* – shall mean a structure that is designed and used as a residential dwelling unit, or a non-residential structure that is regularly occupied to conduct business or commerce (including agricultural use).

*Rotor Diameter* – shall mean the cross sectional dimension of the circle swept by the rotating blades.

*Sound Pressure* – shall mean the average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

*Sound Pressure Level* – shall mean the sound pressure mapped to a logarithmic scale and reported in decibels (dB).

*System Height* – shall mean the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

*Tower* – shall mean the monopole, freestanding, or guyed structure that supports a wind generator.

*Utility Grid Wind Energy System* – shall mean a wind energy system designed and built with a primary purpose to provide electricity to the electric utility grid.

*Wind Energy System* – shall mean a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine, a tower and/or attached apparatus, and associated control or conversion electronics, and is intended for on-site production and consumption of electricity to serve the needs of the consumer on-site.

**SECTION 3.0703 – Guidelines**

(a) Wind energy systems shall not be erected, constructed, relocated or maintained in the territorial limits of the city unless a valid permit has first been issued and the wind energy system is in full compliance with the provisions of this article, the ordinances of the city, and all applicable laws and regulations. Wind energy systems shall not be permitted, erected, constructed or installed on any lot or tract of property if the setbacks and spacing requirements of this article are not met.

(b) A wind energy system shall be a permitted use in all zoning districts, subject to the issuance of a permit, and to the following requirements.

(1) Primary Structure Required on Lot – A wind energy system may be erected only after a primary structure has been constructed on the lot. A wind energy system may not be constructed on a vacant lot. If an occupied primary structure is removed from a lot or property, a wind energy system must be removed from said property if a replacement primary structure is not completed within a period of twelve (12) months.

(2) Prohibited Locations – No portion of a wind energy system or the required setback shall encroach upon or be erected, constructed or located within any public right-of-way; public or private easement; or within any front, side or rear property setback area. No part of a wind energy system may extend beyond the property lines or required building lines of the lot on which the wind energy system is located unless the adjacent property is contiguous and maintains the same owner.

(3) Required Setbacks; Platting – A tower for a wind energy system shall be set back from the property lines and any overhead or aboveground public or private utility line, cable or primary structure, at a distance equal to one hundred and ten percent (110%) of the system height. No tract of property shall be subdivided, platted or replatted such that a preexisting wind energy system will fail to meet the foregoing requirements. Roof mounted systems are prohibited.

(4) Compliance Standards – A wind energy system shall be erected and installed according to the instructions of the system manufacturer and under the seal of a professional engineer registered in the State of Texas. All components of the system must be in compliance with this article, the ordinances of the city, and all applicable state and local building codes. All wind energy systems must meet or exceed current standards and regulations of the FAA and any other agency of the state or federal government with the authority to regulate wind energy systems. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliances, then the owners of the wind energy system governed by this ordinance shall bring such wind energy system into compliance with such revised standards and regulation, unless a different compliance schedule is mandated by the controlling state or federal agency.

The system must have a certificate of compliance from Underwriters Laboratories, Inc. with the most current standard or UL 1741 standard for safety for inverters, converters, controllers, and interconnection system equipment for use with distributed energy resources. All applicable components of the wind energy system shall meet and comply with the city's building codes and electrical code.

(5) Height Limitations – The system height shall not exceed seventy (70) feet. Additionally, no tower height shall exceed the tower height recommended by the manufacturer or the distributor of the wind energy system. The system height shall provide a minimum of ten (10) feet of clearance between the rotor diameter and fencing or other system elements at the base of the tower.

(6) Control of Access – All wind energy systems shall operate within an area enclosed by approved fencing that is no less than six (6) feet in height. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access. The above-mentioned equipment shall be secured by a lockable mechanism. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.

(7) Electrical Wires – All electrical wires associated with a wind energy system, other than the wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.

(8) Sound Pressure Levels – Sound pressure levels shall not exceed a noise level of fifty-five (55) decibels as measured from the property line closest to the wind energy system.

(9) Interference – The owner of a wind energy system shall mitigate any interference with electromagnetic communications, such as, but not limited to, radio, telephone, television or broadband signals caused by the operation of a wind energy system.

(10) Appearance, Color, and Finish – The wind generator and tower shall remain painted or finished matching the color or finish that was originally applied by the manufacturer, unless approved in the wind energy system permit. The color of finish shall be non-reflective and non-obtrusive.

(11) Maintenance – The paint, finish, landscaping, and structural integrity of a wind energy system and each of its components shall be maintained at all times. All such systems shall be kept in good working order. If, upon inspection, the city concludes that a wind energy system fails to comply with such codes and regulations and/or constitutes a danger to persons or property, then the city shall order an immediate cessation of the wind energy system until all violations and/or safety concerns have been resolved.

(12) Lighting – All lights not required by the FAA are prohibited. When obstruction lighting is required by the FAA, such lighting shall not exceed the minimum requirements of said agency. A tower structure may be artificially lighted only with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than 20 flashes per minute. Flashing red obstruction lights (FAA type L-864) flashing faster than 20 flashes per minute, medium intensity flashing white obstruction lights (FAA types L-864/L865) may be used only when the FAA specifies that the specific lighting pattern is the only lighting pattern acceptable to promote aviation safety and refuses an applicant's request for authorization to use the lighting required by this article. Upward lighting, flood light or other lighting not strictly required by the FAA is prohibited.

(13) Signage Prohibited – No advertising or signage of any type, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be allowed or permitted on a wind energy system.

(14) Limit of One – No more than one wind energy system shall be erected, constructed, operated or permitted on any single lot or tract.

(15) Transmission to Utility Grid – A wind energy system shall be permitted to transmit energy to the utility grid with the written permission of the utility company. The amount of energy transmitted to the utility grid shall not exceed the amount consumed on-site.

(c) Utility grid wind energy systems are prohibited within the city.

**SECTION 3.0704 – Permit Required**

(a) No person shall erect, construct, maintain or cause to be erected, constructed or maintained a wind energy system without first having applied for and been issued a valid permit to do so. A wind energy system permit shall not be issued unless the requirements of this article and this section have been met and satisfied.

(b) Permit applications shall be submitted on forms furnished by the city and shall demonstrate full compliance with all applicable state and local building and electrical codes. A building permit application shall be accompanied by:

- (1) the appropriate permit fee;
  - (2) a survey and legal description of the lot or tract on which the system is to be erected;
  - (3) a site plan showing:
    - (i) the location of all proposed elements for the wind energy system on the subject property including, but not limited to, tower, guy wires, enclosures, and fencing;
    - (ii) distances to property lines, required setbacks, and structures;
    - (iii) the tract or lot lines, the dimensions of the lot or tract, all building and setback lines, and the location of the proposed wind energy system;
    - (iv) the location of existing buildings and structures, overhead utility lines, and utility easements;
    - (v) the location and course of all streets and roadways within and adjacent to the lot or tract; and
    - (vi) natural features on the lot or tract.
  - (4) an elevation drawing showing the height of the wind energy system and other structures
  - (5) a detailed depiction and description of the proposed wind energy system showing:
    - (i) wind system specifications, including the design and height of the wind energy system, including the tower, guying, base and footings, the manufacturer and model, and rotor diameter;
    - (ii) all components of the system;
    - (iii) standard installation drawings of the tower and wind turbine; and
    - (iv) tower and tower foundation blueprints or drawings.
  - (6) a standard drawing and engineering analysis or report regarding the system's tower, and showing compliance with building codes, certified by a professional engineer registered in the State of Texas;
  - (7) proof of compliance with the city's electrical code, including by not limited to line drawings of electrical components in sufficient detail to demonstrate compliance with the electrical code;
  - (8) evidence of notice to utility company; and
  - (9) proof of insurance – Owners of any wind energy system must provide a minimum amount of three hundred thousand dollars (\$300,000.00) liability insurance that covers all components of the wind energy system, and such insurance coverage must be maintained at all times. Proof of insurance coverage must be provided to the city at the time application is made for a building permit. The property owner must provide a letter from the insurance provider stating that the city will be notified of any changes in insurance coverage. Any lapse of insurance coverage or a reduction in coverage below the minimum amount required will result in immediate cessation of win energy system use until all requirements have been met.
- (c) Upon completion of construction, a wind energy system shall not be operated or maintained until an inspection by the city determines that the system meets the requirements of this article.

**SECTION 3.0705 – Continuity of Use; Abandonment**

(a) At such time as an owner plans to abandon or discontinue, or is required to discontinue, the operation of a wind energy system, such owner must notify the city by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) day prior to abandonment or discontinuation of operations.

(b) In the event that an owner fails to file such notice, the wind energy system shall be considered abandoned if the wind energy system is not operated for a continuous period of twelve (12) months, unless the owner of said wind energy system provides proof of continued maintenance.

(c) Upon abandonment or discontinuation of use, the person who operated the wind energy system or the property owner shall physically remove the wind energy system within thirty (30) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(1) removal of the tower, turbine and all other components of the wind energy system;

(2) transportation of the tower, turbine and all other components of the wind energy system to an appropriate disposal site;

(d) The owner of the wind energy system shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition;

(e) If a party fails to remove a wind energy system in accordance with this section, the city shall have the authority to enter the subject property and physically remove the wind energy system. In the event the city must remove the wind energy system, costs for the removal of the wind energy system shall be charged to the landowner of record, and city may place a lien on the property for such costs of removal; and

(f) Failure to remove an abandoned wind energy system as required by this section shall constitute a violation and be subject to the penalties prescribed herein.

**SECTION 3.0706 – Dangerous or Non-compliant Wind Energy Systems**

(a) Wind energy systems that have, due to damage, lack of repair, or other circumstance, become unstable, lean significantly out-of-plumb, or otherwise present a danger or hazard to the public health or safety, shall immediately cease operating and be removed or brought into repair within thirty (30) days of notification from the city, the city may remove the wind energy system and place a lien upon the property for the costs of the removal. However, the city may order immediate action to prevent an imminent threat to public safety or property.

(b) The mayor may revoke or suspend a permit for cause or if it is determined that a wind energy system is not in compliance with the requirements of this article or other laws or regulations. The owner shall be given not less than seven (7) days' notice of suspension or revocation, which notice shall be presumed received on the expiration of three days after deposit in the mail properly addressed to the owner at the address stated in the application, or immediately upon hand-delivery to the owner.

(c) Upon expiration of the period set forth in the notice, the operation of the wind energy system shall cease. If the violation or event of non-compliance giving rise to the suspension is not corrected, and the suspension lifted and permit reinstated, with ninety (90) days thereafter, the wind energy system shall be removed by the owner at the owner's sole expense. If a permit is revoked and a new permit is not thereafter issued within (30) days after the date of revocation, the wind energy system shall be removed by the owner at the owner's sole expense.

(d) The suspension or revocation of a wind energy system permit may be appealed by written notice of appeal, filed with the city, within twenty (20) days after receipt of notice of suspension or revocation. The use and operation of the wind energy system shall cease upon expiration of the period set forth in the notice, notwithstanding the pendency of an appeal. The city council shall have sole and exclusive authority to hear and decide all such appeals, and the decision of the city council shall be final and binding.

**SECTION 3.0707 – Violations; penalties**

(a) It is unlawful for any person to construct, install, maintain or operate a wind energy system that is not in compliance with this article or with any condition contained in a wind energy system permit issued pursuant to this article.

(b) It is unlawful for any person to violate any condition, notice or order directed to the owner regarding the discontinuance or removal of a wind energy system or component thereof.

(c) Any owner, person, firm or association violating any of the provisions of this article shall be deemed guilty of a misdemeanor offence and upon conviction, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2000.00) and each and every day a violation shall be deemed a separate offense.

(d) A violation of any term or provision of this article may be enjoined by civil injunctive relief. The city may, at its sole option, seek injunctive and other equitable relief to restrain any violation of this article and may, in addition, pursue any lawful remedies to correct, abate, or punish any violation hereof.

(e) The penalties and remedies provided for in the article are not exclusive of each other or of any other remedy at law or in equity, and all such remedies are declared to be cumulative.

The final discussion item was to discuss and consider the sale of city owned property at 302 East Wallace. An appraisal of the property to determine the value was done by Mark Campbell Company. After a brief discussion, it was decided to discuss this item in Executive Session.

**CITY MANAGER’S REPORT**

City Manager Weik gave a brief report on the following activities in the City of San Saba: new banners have been received advertising the Catkins Ball; these are to be paid for by the Community Foundation; Christmas lights were a great success; construction on side walk in front of winery will begin shortly; city employee will remove old concrete and install pavers and new lights; Community Foundation is paying for this; the beach, being constructed at the Mill Pond, is being moved to another location. After draining part of the pond, it was found that there are large rocks located at that area which will be very expensive to move. Another location was located which will work much better.

**OTHER REPORTS**

Dwayne Shaw, Chief of Police, introduced new officer Keenan Ringo. Sgt. Maldonado and Boomer arrived at the meeting with another new officer, Jackson Idol. Sgt. Maldonado explained that Boomer is trained to “sniff out” 4 drugs. Boomer did very well in her training. Scott Glaze, Public Works Director, reported that staff is still in winter mode due to the weather and working on winter projects; new water tank is being filled and should be ready to use shortly. Denver Daniel reported that work is being done at some residencies updating wiring; LCRA staff will be in San Saba to do study; working on getting email group of large electrical users in town or others that might need advance notice if electric usage was going to be curtailed.

Tony Guidroz reported on the following: new restaurant, Big Eddie’s Eatery has opened; have a couple other possible new businesses; shared with council article in Texas Sporting Journal written by Tom Stephenson; will be meeting with Mr. Stephenson to discuss other publications.

**CITY COUNCIL MINUTES**

**JANUARY 13, 2014**

Sharon O’Neill, executive director of the KSSB, reported that the first meeting of the year was held; election was held and Debbie Shahan is new Chairman. Spring clean up has been scheduled for April 5 which is the same day as KTB’s “Don’t Mess with Texas Trash-Off”. She is working on Government Achievement Sward entry. San Saba isn’t eligible for the money award but needs to keep its good standing status in order to be eligible for grants.

City Secretary Gale Ivy handed out a mini calendar to council with important dates pertaining to upcoming Council election in May.

At 6:33 City Council members went into Executive Session to discuss sale of property in accordance with the authority contained in Section 551.072, Real Estate.

At 6:56 City Council convened back into open session. On a motion by Alderman Oliver, seconded by Alderman Whitten, Council unanimously approved to direct staff to advertise for proposals to purchase the city owned building located at 302 E. Wallace Street. A minimum purchase price of \$77,000 will be accepted. Proceeds from the sale of this building will be used to renovate the old fire station to be used as new police station.

The meeting adjourned at 7:00 p.m.

**ATTEST:**

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Kenneth G. Jordan, Mayor

\_\_\_\_\_  
Gale Ivy, TRMC, City Secretary

Approved 2/10/14