

# **DUMAS CITY COMMISSION AGENDA**

*Dumas City Commission Regular Meeting via video conference notice is hereby given in accordance with the Order of the Office of the Governor issued March 16, 2020.*

*A Regular Meeting of the Dumas City Commission to be held Tuesday, May 5, 2020 at 11:30 a.m., Dumas City Commission, 124 E. 7<sup>th</sup> Street, Dumas, Texas via video conference in order to advance the public health goal of limiting face-to-face meetings also called "Social Distancing" to slow the spread of the Coronavirus/Covid-19. There will be no public access to the location described above.*

*This supplemental written notice, meeting agenda and agenda packet are posted online at:*  
<http://www.ci.dumas.tx.us/government/agendas.php>

*The video meeting is hosted through Zoom and can be viewed live on You Tube at:*  
[www.youtube.com/channel/UCD8HpYfP99TFTEbM0rz61w](http://www.youtube.com/channel/UCD8HpYfP99TFTEbM0rz61w)

*The public will be permitted to offer public comments as provided by the agenda and as permitted by the presiding officer during the meeting by contacting the City Secretary at 806-934-7101 Ext. # 209 no later than 9:00 a.m. on Tuesday, May 5, 2020 to get instructions.*

## **Regular Session**

- Call to order
- Invocation and Pledge of Allegiance - Mike Barr
- Attending citizens and their business

## **Consent Agenda**

1. Consider approval of the April 21, 2020 Regular City Commission minutes - pg. 2420
2. Consider approval of paying the bills - pg. 2421-2423

## **Formal Session**

1. Consider approval of Ordinance No. 1178 - Adding Chapter 91 "Wind Energy Systems" and Amending Chapter 82, Article I, Section 82-1 adding "Wind Energy System Construction Fee" - Andy Diehlmann - pg. 2424-2435
2. Consider approval of new DEDC Board Member - Bob Brinkmann - pg.2436-2437
3. Consider approval of one time residential utility billing adjustment - Arbie Taylor - pg.2438

## **Work Session**

1. Discuss opening of Dumas Aquatic Park - Oscar Garcia - pg. 2439

Adjourn

REGULAR MEETING OF THE CITY COMMISSION  
OF THE CITY OF DUMAS, TEXAS  
APRIL 21, 2020  
11:30 A.M.

BE IT REMEMBERED THAT THERE CAME AND WAS HELD A REGULAR MEETING  
OF THE CITY COMMISSION OF THE CITY OF DUMAS, TEXAS VIA VIDEO  
CONFERENCE.

Members Present:

Mayor Bob Brinkmann  
Mayor Pro Tem Pat L. Sims  
Commissioner Mike Barr  
Commissioner Ben Maples  
Commissioner Justin Willis  
City Manager A. F. Taylor  
City Attorney Jerod Pingelton

Also present: Tonya Montoya, Andy Diehlmann and Summer Giffin.

Mayor Brinkmann called the meeting to order.

There were no citizen comments.

Mayor Brinkmann opened the Formal Session.

A motion was made by Commissioner Maples, seconded by Mayor Pro Tem Sims, and passed unanimously to approve the April 7, 2020 Regular City Commission meeting minutes and paying the bills.

A motion was made by Mayor Pro Tem Sims, seconded by Commissioner Barr, and passed unanimously to approve the Second and Final Reading of Ordinance No. 1177 - Adopting a new Code of Ordinances as presented.

Mayor Brinkmann Opened the Work Session.

Discussion was held regarding Ordinance No. 1178 - Adding Chapter 91 "Wind Energy Systems" and amending Chapter 82, Article I, Section 82-1 adding "Wind Energy System Construction Fee"

Meeting adjourned.

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Bob Brinkmann, Mayor

ATTEST:

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A. F. Taylor, City Manager



# Expense Approval Report

By Segment (Select Below)

Payment Dates 04/17/2020 - 04/29/2020

**Vendor Name**

STATE TREASURER  
 TYLER TECHNOLOGIES, INC.  
 TYLER TECHNOLOGIES, INC.  
 TYLER TECHNOLOGIES, INC.  
 TYLER TECHNOLOGIES, INC.  
 PERDUE BRANDON FIELDER C

**Department: 0200 - ADMINISTRATION**

EVERTEL TECHNOLOGIES  
 MOORE COUNTY TREASURER  
 WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK  
 HAPPY STATE BANK  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 0500 - FIRE DEPARTMENT**

SIDDONS-MARTIN EMERGENC  
 CHASE EQUIPMENT FINANCE,  
 CHASE EQUIPMENT FINANCE,  
 EVERTEL TECHNOLOGIES  
 WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 0600 - PARK**

WATERMASTER IRIG.SUPPLY  
 WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 0700 - POLICE**

THE TAF GROUP, LLC  
 EVERTEL TECHNOLOGIES  
 WINDSTREAM  
 APPLIED CONCEPTS, INC.  
 TML INTERGOVERNMENTAL R

**Description (Item)**

| Description (Item)        | Amount           |
|---------------------------|------------------|
| SALES TAX                 | 10,325.81        |
| SALES TAX                 | 3,304.25         |
| SALES TAX                 | -68.15           |
| SALES TAX                 | 6,285.17         |
| SALES TAX                 | 10,529.06        |
| SALES TAX                 | -84.08           |
| SALES TAX                 | 941.10           |
| SALES TAX                 | -4.71            |
| ANNUAL MAINTENANCE        | 38,216.50        |
| ANNUAL MAINTENANCE        | -2,200.00        |
| ANNUAL MAINTENANCE        | -1,000.00        |
| ANNUAL MAINTENANCE        | -385.00          |
| MARCH 2020 FINES AND FEES | 5,682.61         |
| <b>Total</b>              | <b>71,542.56</b> |

|  |                  |
|--|------------------|
| EVERTEL 80 USERS PLAN                          | 61.00            |
| 2ND QRT EMERGENCY MANG                         | 39,671.47        |
| ADMINISTRATION/PHONE                           | -73.14           |
| A1-01 CAR WASH                                 | 10.00            |
| THERMOMETER                                    | 87.97            |
| 2020 MUNICIPAL LAW SEMIN                       | 50.00            |
| SHRM REGISTRATION                              | -120.00          |
| TX GAME WARDEN MAGAZIN                         | 350.00           |
| <b>Department 0200 - ADMINISTRATION Total:</b> | <b>40,037.30</b> |

|   |                  |
|---|------------------|
| F-21 BALL TRUNNIONS                             | 116.18           |
| F-11A PRINCIPAL                                 | 10,438.32        |
| F-11A INTEREST                                  | 327.37           |
| EVERTEL 80 USERS PLAN                           | 30.00            |
| FIRE/PHONE                                      | 794.56           |
| GOLDEN SPREAD COUNCIL CH                        | 506.76           |
| IAFC MEMBERSHIP DUES                            | 220.00           |
| F-26A FUEL                                      | 125.00           |
| CABLE CONCEALER                                 | 13.50            |
| THERMOMETER                                     | 87.97            |
| MEAL/TRAIN ACCIDENT                             | 60.61            |
| <b>Department 0500 - FIRE DEPARTMENT Total:</b> | <b>12,720.27</b> |

|                                      |                 |
|--------------------------------------|-----------------|
| PK18-01 NOTCHED BLADE                | 150.48          |
| PARK/PHONE                           | 105.72          |
| GASKET/BLADE/PIPE                    | 65.07           |
| GOPHERHAWK TRAPPING SET              | 32.99           |
| SUMMER HAT W/NECK FLAP               | 53.94           |
| IRRIGATION SOLENOID KIT              | 22.94           |
| FUNBRELLAS                           | 7,348.90        |
| SPREADER                             | 198.61          |
| <b>Department 0600 - PARK Total:</b> | <b>7,978.65</b> |

|                            |          |
|----------------------------|----------|
| FCE RTW PROFESSIONAL SERV  | 390.00   |
| EVERTEL 80 USERS PLAN      | 69.00    |
| POLICE/PHONE               | 598.54   |
| RADARS                     | 3,825.00 |
| RETENTION LOSSES/T. SPENCE | 8.26     |

**Expense Approval Report**

**Vendor Name**

HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 0900 - INFORMATION SYSTEMS**

WINDSTREAM  
 WINDSTREAM

**Department: 1000 - STREET**

WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 1100 - SOLID WASTE DEPARTMENT**

PARKHILL, SMITH & COOPER  
 WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 1200 - LANDFILL DEPARTMENT**

PARKHILL, SMITH & COOPER  
 PARKHILL, SMITH & COOPER  
 CHASE EQUIPMENT FINANCE,  
 CHASE EQUIPMENT FINANCE,  
 WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 1300 - WAREHOUSE**

WINDSTREAM  
 TIFCO INDUSTRIES  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 1700 - COMMUNICATIONS**

WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 1800 - PURCHASING**

WINDSTREAM  
 HAPPY STATE BANK

Payment Dates: 04/17/2020 - 04/29/2020

| Description (Item)                     | Amount          |
|--|-----------------|
| CERTIFIED LETTER FOR EVIDE             | 9.00            |
| K9 CONSULTING/TRAINING D               | 174.00          |
| RECORD SEARCH                          | 50.00           |
| PD WEBSITE                             | 199.90          |
| TRAINING FOR ACO-SPENCER               | 100.00          |
| K9 MUZZLE                              | 39.90           |
| K9 MUZZLE                              | 47.90           |
| <b>Department 0700 - POLICE Total:</b> | <b>5,511.70</b> |

|   |               |
|---|---------------|
| IT/INTERNET   | 433.00        |
| INFORMATION SYSTEMS/PHO                             | -99.10        |
| <b>Department 0900 - INFORMATION SYSTEMS Total:</b> | <b>333.90</b> |

|  |               |
|--|---------------|
| STREET/PHONE                           |               |
| HARNES                                 | 254.15        |
| SUMMER HAT W/NECK FLAP                 | 172.32        |
| HARNES                                 | 53.94         |
|  | 64.95         |
| <b>Department 1000 - STREET Total:</b> | <b>545.36</b> |

|  |                  |
|--|------------------|
| TRANSFER STATION FEASIBILIT                            | 16,050.00        |
| SANITATION/PHONE                                       | 61.69            |
| LINXUP TRACKING SERVICE                                | 139.93           |
| S18-01 LINK ARMCYL BELL CR                             | 877.16           |
| S6-01 HYD WINCH CYLINDER                               | 4,180.00         |
| HOTEL  | 113.84           |
| S18-02 FUEL  | 29.43            |
| LICENSE RENEWAL/CASTILLO                               | 111.00           |
| S18-02 FUEL  | 39.91            |
| S18-02 FUEL  | 56.80            |
| S18-02 FUEL  | 48.75            |
| S18-02 FUEL  | 43.05            |
| <b>Department 1100 - SOLID WASTE DEPARTMENT Total:</b> | <b>21,751.56</b> |

|   |                  |
|---|------------------|
| GROUNDWATER CHARACTERI                              | 2,000.99         |
| GRID MARKER SURVEY MSW                              | 3,153.40         |
| HEAVY EQUIPMENT/PRINCIPA                            | 14,531.60        |
| HEAVY EQUIPMENT/INTEREST                            | 455.74           |
| LANDFILL/PHONE                                      | 127.14           |
| MSW LICENSE RENEWAL/POR                             | 111.00           |
| MSW LICENSE RENEWAL/J. FU                           | 111.00           |
| DOG FOOD  | 51.66            |
| <b>Department 1200 - LANDFILL DEPARTMENT Total:</b> | <b>20,542.53</b> |

|   |               |
|---|---------------|
| WAREHOUSE/PHONE                           | 254.15        |
| CABLE TIES/WASHERS                        | 100.35        |
| LED BAY LIGHT                             | 179.99        |
| WINDSHIELD WASHER                         | 19.99         |
| <b>Department 1300 - WAREHOUSE Total:</b> | <b>554.48</b> |

|  |               |
|--|---------------|
| COMMUNICATIONS/PHONE                           | -55.74        |
| BACKGROUND CHECK/PENA                          | 7.50          |
| 18V COMPACT DRILL /IMPACT                      | 172.99        |
| MASTER LOCK LOCKOUT TAG                        | 97.30         |
| <b>Department 1700 - COMMUNICATIONS Total:</b> | <b>222.05</b> |

|  |               |
|--|---------------|
| PURCHASING/PHONE                           | 254.15        |
| AA/AAA/C/D BATTERIES                       | 282.64        |
| <b>Department 1800 - PURCHASING Total:</b> | <b>536.79</b> |

**Expense Approval Report**

**Vendor Name**

**Department: 2000 - GAS**

WEST TEXAS GAS, INC.  
 WTG GAS MARKETING, INC.  
 WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 3000 - WATER**

WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 4000 - WASTEWATER**

XCEL ENERGY  
 WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK  
 HAPPY STATE BANK  
 HAPPY STATE BANK  
 HAPPY STATE BANK

**Department: 9800 - GOLF COURSE**

XCEL ENERGY  
 WINDSTREAM  
 HAPPY STATE BANK  
 HAPPY STATE BANK

Payment Dates: 04/17/2020 - 04/29/2020

| Description (Item)                          | Amount            |
|---|-------------------|
| GAS EXPENSE                                 | 432.41            |
| MARCH 2020 GAS DELIVERIES                   | 85,386.40         |
| GAS/PHONE                                   | -95.58            |
| LINXUP TRACKING SERVICE                     | 22.95             |
| ODOROMETER                                  | 307.00            |
| <b>Department 2000 - GAS Total:</b>         | <b>86,053.29</b>  |
| WATER/PHONE                                 | -154.85           |
| BOONIE HATS                                 | 98.80             |
| GUARDIAN FALL PROTECTION                    | 95.99             |
| TRAINING-BASIC WATER/WAT                    | -505.00           |
| <b>Department 3000 - WATER Total:</b>       | <b>-465.06</b>    |
| MONTHLY ELEC EXPENSE                        | 6,276.23          |
| WASTE WATER/PHONE                           | 417.91            |
| PARALLEL PIN FOR GEAR BOX                   | 65.31             |
| DISPOSABLE GLOVES                           | 75.96             |
| HARNESS                                     | 122.83            |
| A/C FILTERS                                 | 14.22             |
| VENT COVER                                  | 23.90             |
| <b>Department 4000 - WASTEWATER Total:</b>  | <b>6,996.36</b>   |
| MONTHLY ELEC EXPENSE                        | 58.82             |
| GOLF/PHONE                                  | 204.74            |
| MITER SAW                                   | 349.00            |
| WISE-6IN CROSS SLIDE                        | 62.39             |
| <b>Department 9800 - GOLF COURSE Total:</b> | <b>674.95</b>     |
| <b>Grand Total:</b>                         | <b>275,536.76</b> |

## ORDINANCE NO. 1178

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DUMAS, TEXAS, BY ADDING CHAPTER 91 "WIND ENERGY SYSTEMS"; DEFINING DESIGN AND SITING REQUIREMENTS; SETTING APPLICATION AND PERMIT FEES BY AMENDING CHAPTER 82 ARTICLE I SECTION 82-1 ADDING "WIND ENERGY SYSTEM CONSTRUCTION FEE"; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the City has drafted a uniform set of standards for the design, construction, and siting of wind energy systems; and

**WHEREAS**, the City now desires to codify its uniform set of standards for the design, construction, and siting of wind energy systems; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUMAS, TEXAS:**

**SECTION I.** THAT the Code of Ordinances, City of Dumas, Texas, is hereby amended by adding Part II, Subpart B, Chapter 91, which reads as follows:

### **WIND ENERGY SYSTEMS**

#### **Section 1. Wind Energy Systems**

Wind energy or wind power is the use of air flow through wind turbines to provide the mechanical power to turn electric generators and traditionally to do other work, like milling or pumping. Wind power is a sustainable and renewable alternative to burning fossil fuels.

#### **Section 2. Purpose**

The purpose of the City of Dumas's wind energy systems regulation is to promote the safe, effective, and efficient use of wind energy systems installed for on-site production and personal consumption of electricity.

#### **Section 3. Definitions**

ANSI. The American National Standards Institute. ANSI coordinates the development of voluntary consensus standards in the United States. The institute oversees the creation, promulgation, and use of thousands of norms and guidelines that directly impact homes and businesses in nearly every sector.

Certificate of operation. A document that is issued by the city that authorizes the applicant to operate a wind energy system.

dB(A). The sound pressure level in decibels. The (A) refers to the weighted response scale as defined by ANSI and designed as a method for weighting the frequency spectrum to mimic the human ear.

dB(x). The sound pressure level in decibels with a flat response from 10 Hz to 10,000 Hz. It is intended to measure those sounds outside of the dB(A) weighting scale that are still considered annoying to the resident, the community, or the potential safety of nearby residents. See table B-1 below.

Decibel. The sound intensity  $I$  expressed in decibels above the standard threshold of hearing (TOH)  $I_0$ . The expression is " $dB = 10\log[ I I_0 ]$ " where  $I_0$  is the intensity of "threshold sound", or sound that can barely be perceived, and is used to express the magnitude or relative change in sound pressure and/or sound intensity referenced to an ambient or some baseline level.

A 3 dB change is a 2X (2 times) change in audio level.

A 6 dB change is a 4X (4 times) change in audio level.

A 9 dB change is an 8X (8 times) change in audio level.

A 10 dB change is a 10X (10 times) change in audio level.

A 20 dB change is a 100X (100 times) change in audio level.

Generator or alternator. Usually but not limited to an electromechanical device sized for specific use and used for the production of electricity. See Turbine.

Inspection. A regular and/or periodic assessment of the wind energy system for the purpose of code compliance, operation and safety.

Kilowatt-hour. The kilowatt-hour (symbolized kWh) is a unit of energy equivalent to one kilowatt (1 kW) of power expended for one hour (1 h) of time.

Sound pressure. The amplitude of the sound energy when transmitted through a unit area in a specified direction. The pressure of the sound can be measured using a receiver device such as a sound pressure meter.

Sound pressure level. The sound pressure mapped to a logarithmic scale with reference to noises typically found within a community and reported in decibels (dB). See table B-2 below.

Threshold of hearing or TOH. The lowest audible signal perceptible by a person without the use of mechanical or electrical devices.

Tower height. The sum of the height above grade of the fixed portion of the tower or structure or supporting method used to support the turbine, plus, the maximum vertical height of the wind turbine blades, casings, or vane, whichever is higher.

Turbine. All the integral parts of a wind energy system used for the production of electricity, including the blades, generator or alternator, casings, governors, and vane.

Commercial wind energy systems. Designed to generate more electricity than permitted in table E-1 or what is necessary for on-site consumption by the consumer.

Utility grid wind energy system. A wind energy system that was designed, built and certified to transmit excess electricity back to the electric utility grid.

Watt-hour. The watt-hour (symbolized Wh) is a unit of energy equivalent to one watt (1 W) of power expended for one hour (1 h) of time. The power consumption of energy in homes and businesses is usually measured in kilowatt-hours. Each 1000 watt-hours of energy consumed is equal to one kilowatt-hour.

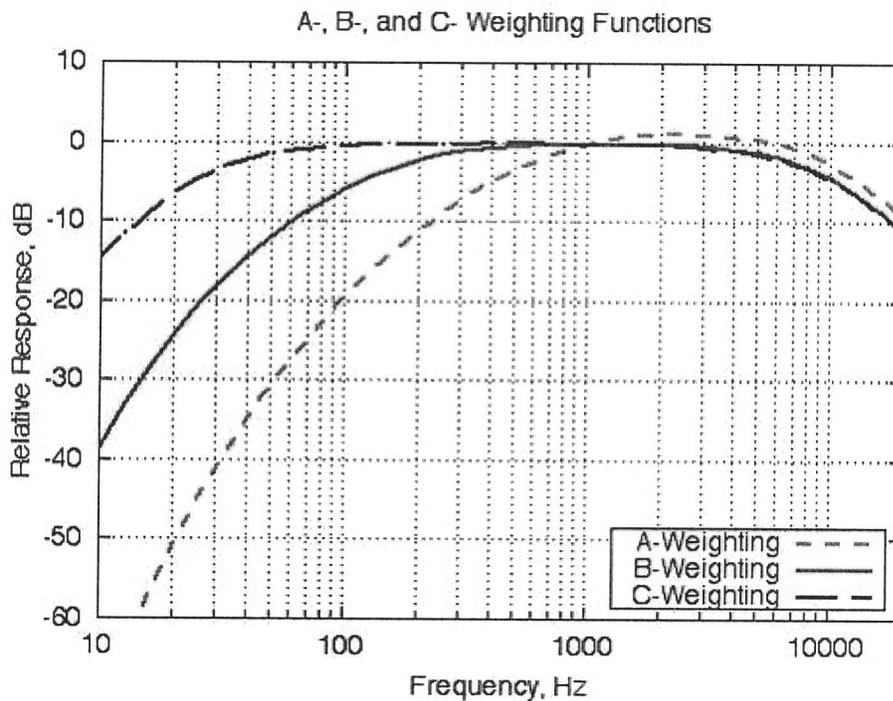


Table B-1. Sound Pressure Levels Relative to dB(x) Flat Response

| Example Noise Source       | Intensity                         | Intensity Level | # of Times Greater Than TOH |
|----------------------------|-----------------------------------|-----------------|-----------------------------|
| Threshold of hearing (TOH) | $1 \cdot 10^{-12} \text{ W/m}^2$  | 0 dB            | $10^0$                      |
| Rustling leaves            | $1 \cdot 10^{-11} \text{ W/m}^2$  | 10 dB           | $10^1$                      |
| Whisper                    | $1 \cdot 10^{-10} \text{ W/m}^2$  | 20 dB           | $10^2$                      |
| Mosquito buzzing           | $1 \cdot 10^{-8} \text{ W/m}^2$   | 40 dB           | $10^4$                      |
| Normal conversation        | $1 \cdot 10^{-6} \text{ W/m}^2$   | 60 dB           | $10^6$                      |
| Busy street traffic        | $1 \cdot 10^{-5} \text{ W/m}^2$   | 70 dB           | $10^7$                      |
| Vacuum cleaner             | $1 \cdot 10^{-4} \text{ W/m}^2$   | 80 dB           | $10^8$                      |
| Large orchestra            | $6.3 \cdot 10^{-3} \text{ W/m}^2$ | 98 dB           | $10^{9.8}$                  |
| Walkman at maximum level   | $1 \cdot 10^{-2} \text{ W/m}^2$   | 100 dB          | $10^{10}$                   |
| Front rows of rock concert | $1 \cdot 10^{-1} \text{ W/m}^2$   | 110 dB          | $10^{11}$                   |

|                                |                              |                 |                             |
|--------------------------------|------------------------------|-----------------|-----------------------------|
| Threshold of pain              | $1 \cdot 10^1 \text{ W/m}^2$ | 130 dB          | $10^{13}$                   |
| Example Noise Source           | Intensity                    | Intensity Level | # of Times Greater Than TOH |
| Military jet takeoff           | $1 \cdot 10^2 \text{ W/m}^2$ | 140 dB          | $10^{14}$                   |
| Instant perforation of eardrum | $1 \cdot 10^4 \text{ W/m}^2$ | 160 dB          | $10^{16}$                   |

#### Section 4. Specific use permit

(a) No wind energy systems shall be allowed within zones A-K, and N as defined in the City of Dumas zoning ordinance. Installations in any other zone shall be allowed only after approval from the Planning and Zoning Committee of the City of Dumas, and with appropriate specific use permit.

(b) Commercial grid wind energy systems may be permitted by specific use permit in zones L and M where residential structures of any sort are not allowed and where all setback and siting regulations can be met. The procedures for consideration of an application for a specific use permit may be as specified in Chapter 98, Article III, section 98-62 of the city's zoning ordinance.

#### Section 5. General regulations and requirements

The following general regulations apply to all wind energy systems located within any zoning district. Pre-existing wind energy systems lawfully in existence at the time of the enactment of this division shall be required to meet the requirements established herein should any part of the pre-existing system require replacement.

- (1) Wind energy systems. May be permitted only in areas zoned L or M of the city of Dumas.
- (2) Specific use permit required. A specific use permit shall be obtained prior to the construction or installation of a wind energy system. An application for specific use permit must be accompanied by all of the following:
  - (A) The appropriate permit fee as established in the City of Dumas Code of Ordinances, Chapter 82, Article I, Section 82-1, Wind Energy System Construction permit fee.
  - (B) A legal notice and publication fee of \$250.00.
  - (C) A site plan of the proposed wind energy system at a scale of 1" = 30'. The site plan should be on a single 8.5" x 11" sheet and include all of the following:
    - (i) A legal description of the property where the wind energy system is proposed;

- (ii) Site location must not be less than 0.5 acre per wind energy system unit.
- (iii) A site plan view layout of the proposed wind energy system clearly showing all of the following:
  - a. The proposed location of the system.
  - b. All components of the system including:
    - 1. Generation capability.
    - 2. Tower rating.
    - 3. Wind and ice loading ratings.
    - 4. Underwriters' Laboratory Listing.
    - 5. National Electrical Code compliant.
    - 6. Lightning arrestor or protection methods.
    - 7. Man traps.
    - 8. Kill switches.
    - 9. Manufacturer's specifications for the system and the recommended application for same.
    - 10. Site plan.
      - A. Distances to property lines as measured from the base of the tower.
      - B. Required setbacks and easements.
      - C. Easement authorizations as required.
      - D. Adjacent land uses and zoning designations.
      - E. Existing structures on the site.
      - F. Natural features such as watercourses and trees.
      - G. Fire exclusion zone.

(D) Elevation drawings showing all of the following:

- (i) The design and height of the proposed wind energy system.
  - (ii) Detailed drawings of all system components.
  - (iii) Concept for screening or required landscaping of the base of the tower or support structure.
- (E) A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. Note that manufacturer's claims may be insufficient and additional compliance data or material may be requested at the discretion of the city.
- (F) Standard installation drawings of the wind turbine structure, including the tower, base, and footings. Note that manufacturer's claims may be insufficient and additional compliance data or material may be requested at the discretion of the city.
- (G) Evidence of notice to utility company as required by subsection (12) below.
- (H) Proof of insurance coverage as required in subsection (14) below.
- (3) Construction Standards. The wind energy system must be designed and installed according to the manufacturer's recommendations that cover the range of winds and ice loads for this region. Additionally, all components, structures, and constituents of the wind energy system shall comply with applicable state and local building codes and the current edition of the National Electrical Code.
- (4) Maximum height. The tower or supporting structure shall comply with all of the following:
  - (A) The maximum height shall not exceed the distance between the base of the tower and 1:1.25 aspect ratio from all property lines, setbacks, easements, and commercial power lines. Specifically the tower or structure shall be set back at least 1.25 foot for each foot in height of the tower structure.
  - (B) Additionally, no tower height shall exceed the tower height recommended by the manufacturer or the distributor of the wind energy system.
- (5) Location and setback. The tower structure of a wind energy system must be at least 30 feet from any primary structure and may be no closer to the property line than the highest point of the system, including the maximum height of any blades when attached thereto. No part of the wind energy system, including blades or guy wire anchors, may extend closer than 10 feet to property line or within any required yard setback.
  - (A) In addition to the setback requirement, there shall be a fire exclusion zone around the base of the tower sufficient to prevent the spread of fire due to

turbine malfunction. The area of the exclusion zone shall be at a minimum 25 feet in diameter.

- (6) Primary structure required on lot. A wind energy system may be erected on a lot, not less than one half (1/2) acre, 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. In any case, once a primary structure is removed or deemed to be a health hazard by the city inspector an approved wind energy system must cease operation except to provide power necessary for the construction of a replacement primary structure.
- (7) Sound pressure levels. Sound pressure levels shall not exceed 60 decibels (dBA) as measured from any offending property line (usually from a point downwind).
- (8) Lights. All lighting not required by the FAA is prohibited.
  - (A) When obstruction lighting is required by the FAA, such lighting shall not exceed the minimum requirements of said agency.
  - (B) 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.
  - (C) Flashing red obstruction lights (FAA type L-864) flashing faster than 20 flashes per minute, medium intensity flashing white obstruction lights (FAA type L-865 or L-866), high intensity flashing white lights (FAA type L-856 or L-857) or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L-865) 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 applicant's request for authorization to use the lighting required by the city herein.
  - (D) Upward lighting, floodlights, seasonal lighting or other lighting not strictly required by the FAA is prohibited.
- (9) Signs. No advertising or other signs shall be allowed on a wind energy system.
- (10) Prohibited in easements. No portion of a wind energy system shall be placed in easements unless authorized by the easement holder.
- (11) Screening. A wind energy system shall be screened from view from adjoining properties by solid fencing or evergreen plants to a height of at least six (6) feet. Screening shall be maintained in a good condition and landscaping shall be healthy.

- (12) Notice to utility company on grid-interconnected systems.
- (A) No grid-interconnected wind energy system shall be installed until evidence has been given that the appropriate utility company has been informed of and has given a written consent to customer's installation of a grid-connected customer-owned generator.
  - (B) Off-grid systems shall be exempt from this requirement. No off-grid system may go on grid without compliance with subsection (12)(A) above.
- (13) City building codes/safety standards. To ensure the structural integrity of a wind energy system, the owner of such system must ensure that it is maintained in compliance with all provisions of the City of Dumas's building code and zoning regulations. 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 upon written notice to the owner of the wind energy system:
- (A) The owner shall immediately shut down the wind energy system;
  - (B) The owner shall have thirty (30) calendar days to bring such system into compliance with applicable standards and request an inspection;
  - (C) Failure to bring such system into compliance within 30 days shall constitute grounds for dismissing the certificate of operation. For a fee, the owner shall have up to 60 additional days to reapply;
  - (D) After 90 days, failure to bring such system into compliance shall constitute grounds for the removal of the wind energy system at the owner's expense; and
  - (E) This notice requirement shall not preclude immediate action by the building official as allowed by law if public safety requires such action.
- (14) Insurance required. Owners of any wind energy system must at all times maintain insurance in an amount of not less than \$500,000.00 liability per turbine device, and insurance that covers loss to the wind turbine and all other wind energy system components due to wind, hail, or other loss. Proof of such insurance coverage must be provided to the city at the time application is made for a building permit. Annually, the city inspector will verify the owner's wind energy system continued liability insurance coverage as required. Lack of continued insurance coverage conforming to the terms herein shall be grounds for termination of the specific use permit.
- (15) Contained on property. 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.

- (16) State or federal requirements. 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 compliance, then the owners of the wind energy system governed by this division shall bring such wind energy system into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.
- (17) Maintenance. A wind energy system shall be maintained at all times, including, but not limited to, mechanical and electrical systems and subsystems, painting, fencing as required in subsection (11) above, structural integrity, and landscaping. An annual inspection report shall be submitted to the City Building Department certifying as to the condition of the system and what, if any, repairs or upgrades are required to maintain system integrity and safety. Failure to provide the annual inspection report shall be grounds for termination of the specific use permit.
- (18) Removal of unsafe wind energy system. Wind energy systems that have, due to damage, lack of repair, or other circumstances, become unstable, lean significantly out-of-plumb, or pose a danger of collapse shall be shut down immediately upon notification from the building official/city inspector. If the wind energy system is not made safe or removed within 60 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 inspector may order immediate action to prevent an imminent threat to public safety or property.
- (19) 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 30 days prior to abandonment or discontinuation of operations.
- (B) In the event that an owner fails to give notice of intent, the wind energy system shall be considered abandoned if not operated for a continuous period of twelve (12) months.
- (C) Upon abandonment or discontinuation of use, the person who constructed the wind energy system or the person who operated the wind energy system or the property owner shall physically remove the wind energy system within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
- (i) Removal of the tower, turbine and all other components of the wind energy system; and

- (ii) 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 as stated in subsection (C) herein 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 “system.” Costs for the removal of the “system” shall be charged to the landowner of record in the event the city must remove it and the city may place a lien on the property for such costs of removal.
- (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 6. Wind energy system sizing guidelines**

- (a) A wind energy system should be sized to meet the needs of the applicant.
- (b) It is recommended that a wind energy system should be sized to meet no more than the average demand of the applicant.
- (c) Sizing of the generator's hourly output in kWh is determined by dividing the average monthly consumption by 720 (720 = 24 hours in a day times 30 days in a month). Proposed systems that are larger than what is recommended in table E-1 may require consideration beyond a typically sized system. For this reason an applicant desiring to install a system that has a generation capability greater than 5000 kWh per month requires pre-approval by the city inspector.

Table E-1. Relative Power Generation Capacity Per Hour for Average Need

| Resident Monthly Average Consumption in kWh | Capacity for 50% of Residential Average Need kW | Capacity for 75% of Residential Average Need kW | Capacity for 100% of Residential Average Need kW | Capacity for 150% of Residential Average Need kW |
|---|---|---|--|--|
| 1000  | 0.7   | 1.0   | 1.4  | 2.1  |
| 2000  | 1.4   | 2.1   | 2.8  | 4.2  |
| 3000  | 2.1   | 3.1   | 4.2  | 6.2  |
| 4000  | 2.8   | 4.2   | 5.5  | 8.3  |
| 5000  | 3.5   | 5.2   | 6.9  | 10.4   |

Note: The italicized ratings require pre-review and approval of the city inspector prior to submission.

**Chapter 82 Article I**

**Section 82-1 “Building Permits”** Shall be amended to read as follows:

Sec. 82-1. License and permit fees.

(a) License and permit fees relating to this chapter are as follows:

| Item Description  | Present Charges  |
|---|--|
| Building permits  |  |
| Wind Energy System Construction Fee                               | \$2.50 per foot of height of tower                       |
| Building and additions, residential and commercial                | \$0.08 per square foot, \$20.00 minimum                  |
| Remodel   | \$1.25 per 1,000, \$20.00 minimum                        |
| Move-in, manufactured and ready-built homes                       | \$50.00, plus other permits                              |
| Move-in, dwelling (other than manufactured and ready-built homes) | \$250.00   |
| Move-in buildings (other than dwellings)                          | \$15.00  |
| Roofing (no permit needed less than 500 square feet)              | \$20.00, plus \$2.00 per 1,000 over \$20,000.00          |
| Siding and outside veneers  | \$20.00  |
| Fences  | \$10.00  |
| Demolition  | \$20.00 (no permit needed for less than 500 square feet) |
| Reinspection's  | \$20.00  |

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUMAS:**

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 on First Reading on this 5th day of May 2020.

PASSED AND APPROVED on Second and Final Reading on this 19th day of May 2020.

**CITY OF DUMAS, TEXAS**

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**Bob Brinkmann, Mayor**

**ATTEST:**

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**Tonya Montoya, City Secretary**

BUSINESS OF THE CITY COMMISSION  
CITY OF DUMAS, TEXAS

SUBJECT: Appointment of DEDC Board Member

AGENDA DATE: 05/05/20

SUBMITTAL DATE: 04/29/20

SUBMITTED BY: Grace Pierson

REVIEWED BY:

ATTACHMENTS: Bio for Pritesh Bhakta

Budget Information

Expenditure amount:

Budget amount:

Notes:

BACKGROUND INFORMATION

The DEDC Board voted on April 24, 2020 to approve Pritesh Bhakta as a new board member. He will be completing Gene Legg's term which expires on December 31, 2021.

RECOMMENDED ACTION

Approve appointment of Pritesh Bhakta.

  
  
**INVISION**  
• G R  
Dumas, TX

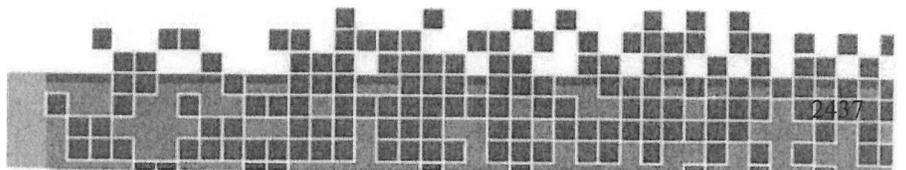
Pritesh Bhakta  
President InVision Hotel Group LLC

Pritesh is married to Nita Bhakta and are proud parents of their boy and girl twins Shayen and Amaya. Pritesh is the son of Navin "Nick" and Rasika Bhakta. He was born and raised in Elko, NV. While in Nevada he attended the University of Nevada Reno. Pritesh followed in his parents' footsteps joining the family's hotel business. He later moved to Dumas, TX in 2005 where he took over for his dad operating the Comfort Inn.

Since then, Pritesh has directly developed many hotel projects, participated with the development of others and developed Pointe Place, a local retail center here in Dumas.

Pritesh's hobbies include volleyball, football, coaching kids' sports, and outdoor activities. He is very involved in his community serving on numerous boards including the YMCA, United Way, Chamber of Commerce and others. He has a great passion for the community and believes that businesses are only as good as its community.

Pritesh loves spending time with his family and living in Dumas, TX where he plans to raise his kids and continue expanding his businesses!



**Business of the City Commission  
City of Dumas, Texas**

SUBJECT: Residential Utility Bill Adjustment

AGENDA DATE: 5/5/2020

SUBMITTAL DATE: 4/30/2020

SUBMITTED BY: Arbie Taylor

REVIEWED BY:

ATTACHMENTS: None

**Budget Information**

Expenditure amount: ≈ \$385,000

Budget amount: \$0

Notes: I had Summer calculate last month's billing and it breaks down as Minimum total = \$385,289.50, and the consumption total = \$332,114.48. So, using last month as an example, we would be forgiving the \$385,300 amount and only billing for \$332,000. Since the minimum stays relatively stable, we can expect to forgive approximately \$385,000.

**BACKGROUND INFORMATION**

I propose we send out notices that read something like ***“Due to the financial, medical, and social hardships presented by the current crisis, The City of Dumas will be sending residential bills for the March/April billing cycle showing only the amount over the minimum due. We will forgive the minimum amount for this billing cycle only. We will resume regular billing in June for the April/May billing cycle.”*** Of course, this will depend on the system as to how we go about printing the bills and we may have to look at different ways to place this on the actual bills.

We can then calculate the amount that is forgiven and draw from reserves to cover that amount **if needed**. (Additionally, I have stopped all non-essential capital spending and we are closely monitoring all other spending in order to prepare for revenue shortfalls.)

I believe this will be well received by our citizens and will help to ease some of the burden on those most affected by this situation such as those on fixed incomes. Of course, we won't turn anyone down if they choose to go ahead and pay the entire bill, and I'm sure I will be one of those.

This, I believe, would help the low and fixed income folks while continuing to bill for consumption over the minimum.

This is exactly why we build reserves and I believe this is the right thing to do at this moment in time.

**RECOMMENDED ACTION**

Staff respectfully asks that the Commission give direction to the Director of Finance regarding any utility bill adjustments.

**Business of the City Commission  
City of Dumas, Texas**

SUBJECT: Dumas Aquatic Park

AGENDA DATE: 05/05/2020

SUBMITTAL DATE: 04/27/2020

SUBMITTED BY: Oscar Garcia

REVIEWED BY:

ATTACHMENTS:

Budget Information

Expenditure amount:

Budget amount:

Notes:

BACKGROUND INFORMATION

Discuss the possibility of opening or not opening the pool for this coming season.

RECOMMENDED ACTION