Regular Meeting of the:

Pampa City Commission
July 10, 2012
4:00 p.m.

City of Pampa
201 W. Kingsmill St.
P.O. Box 2499
Pampa, Texas  79066-2499
Phone: 806-669-5750
Fax: 806-669-5767
PLEDGE OF ALLEGIANCE TO TEXAS FLAG

“HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE.”
Notice is hereby given of a **REGULAR MEETING** of the City Commission of the City of Pampa, Texas to be held on **TUESDAY, JULY 10, 2012** at **4:00 p.m.** at City Hall – City Commission Chamber, Third Floor, 201 W. Kingsmill, Pampa, Texas, for the purpose of considering the following agenda items.

All agenda items are subject to action. The City Commission reserves the right to adjourn into Executive Session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**CALL TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**PLEDGE ALLEGIANCE TO TEXAS FLAG**

**PUBLIC COMMENTS:**
Citizens who have signed a card to speak to the City Commission will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the presentation is on the agenda, the City Staff and City Commission Members are prevented from discussing the subject and may respond only with statements of factual information or existing city policy. Citizens are limited to three (3) minutes for their presentation to the City Commission.

**SPOTLIGHT**

▶ Chris Wagner, Streets and Parks Department – Donny Hooper

**AUTHORIZATIONS BY CITY COMMISSION:**

1. Consider approving the minutes of the June 26, 2012 Public Hearing/Regular City Commission Meeting as presented.


3. Consider adopting on second and final reading Ordinance No. 1571, an Ordinance of the City of Pampa, Texas providing that its Code of Ordinance be amended by revising Article 4.06, “Peddlers, Solicitors and Vendors”.

4. Consider adopting on second and final reading Ordinance No. 1572, an Ordinance of the City of Pampa, Texas granting a Specific Use Permit for the location of a new HUD-Code manufactured home.

5. Consider approving replacement of current City Hall entry doors using funds from the Court Security Funds.

**ADJOURNMENT**
CERTIFICATION

I certify that the above Agenda was posted on the outside officially designated bulletin board in front of City Hall, facing Kingsmill Street, a place convenient and readily accessible to the general public at all times and said Agenda was posted on Friday, July 6, 2012 before 5:00 p.m. and remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Karen L. Price, City Secretary

ASSESSIBILITY STATEMENT

In compliance with the Americans with Disabilities Act, the City of Pampa will provide for reasonable accommodations for persons attending City Commission meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Karen Price, City Secretary, at 669-5750. City Hall is wheelchair accessible. Entry is on the West side of the building.

AGENDA REMOVAL NOTICE

This public notice was removed from the official designated bulletin board at 201 W. Kingsmill Street, Pampa, Texas, City Hall on the following date and time:

Date: ________________________________  Time: __________________________

By: ____________________________________________
AGENDA ITEM NO. 1

ITEM/PROJECT: MINUTES

MEETING DATE: July 10, 2012

DESCRIPTION: Consider approving the minutes of the June 26, 2012 Public Hearing/Regular City Commission Meeting as presented.

STAFF CONTACT: Karen Price

FINANCIAL IMPACT: N/A

SOURCE OF FUNDS: N/A

START/COMPLETION SCHEDULE: N/A

RECOMMENDED ACTION: Approve minutes

BACKGROUND/ADDITIONAL INFORMATION: Minutes attached.
CALL TO ORDER: Mayor Brad Pingel at 4:00 p.m.

PRESENT: Brad Pingel Mayor
          John Studebaker Commissioner
          Chris Porter Commissioner
          Karen McLain Commissioner

ABSENT: Robert Dixon Commissioner

STAFF: Richard Morris City Manager
       Leland Waters City Attorney
       Karen Price City Secretary
       Kim Powell Fire Chief
       Gil Arias Engineer in Training
       Kevin Webb IT Manager
       Fred Courtney Emergency Management
       Gayla Pickens Asst. Finance Director

VISITORS: Lynn Hancock Briarwood Church
          Kyle Ingham PRPC
          Hart Wilworth PRPC
          Gary Sutherland PEDC

NEWS MEDIA: Mike Ehrle KGRO
            Mollie Bryant Pampa News
            Arnie Aurellano Pampa News

INVOCATION: Lynn Hancock, Pastor Briarwood Church

PLEDGE OF ALLEGIANCE

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PUBLIC HEARING: The City Commission of the City of Pampa will conduct a Public Hearing at 4:00 p.m. on June 26, 2012 at City Hall, 201 W. Kingsmill, Pampa, Texas on the 3rd Floor in the City Commission Chambers. This Public Hearing is for the purpose of receiving public Comments concerning the following request: Christine Griffin requests a Specific Use Permit for a site lying in part of N/2 of Section 100, Block 3, I&GN Survey, more commonly known as 3409 N. Duncan Street. The applicant proposes to use the permit to install a new mobile home on the property. The property is currently zoned for agricultural use and the requested use requires that a Specific Use Permit be granted by the City Commission. Public comments on the proposed permit will be heard.

Mayor Pingel opened the Public Hearing at 4:05 p.m. A brief overview for the purpose of the Public Hearing was given by Donny Hooper, Director Public Works. Mayor Pingel asked if there was anyone present that wanted to speak concerning the proposed Specific Use Permit, there being no one, a Motion was made by Commissioner Studebaker and Seconded by Commissioner Porter to closed the Public Hearing at 4:07 p.m., with each Commission Member voting AYE, the motion carried.

PUBLIC COMMENTS: Arnie Aurellano informed City Commission and City Staff that he is leaving the Pampa News and thanked everyone for their kindness and cooperation.

SPOTLIGHT:

► Recognized Fred Courtney for Storm Ready Community – Richard Morris
PRESENTATION:

► Gary Sutherland updated the City Commission on Pampa Energy Center’s purchase of the Coronado Center.

AUTHORIZATIONS BY COMMISSION:

12-077
1. Consider approving the minutes of the June 12, 2012 regular City Commission Meeting as presented.

A motion was made by Commissioner Studebaker and Seconded by Commissioner McLain to approve the minutes of the June 12, 2012 Regular City Commission meeting as presented, with each Commission Member voting AYE, the motion carried.

12-078
2. Consider awarding a bid for City owned property located at 315 W. Kingsmill, Pampa, Texas.

A motion was made by Commissioner Porter and Seconded by Commissioner Studebaker to award a bid in the amount of $1,211.00 for City owned property located at 315 W. Kingsmill, Pampa, Texas, with each Commission Member voting AYE, the motion carried.

12-079
3. Consider adopting a “Social Media Policy” as an addition to the City of Pampa’s Personnel Policies and Procedures.

A motion was made by Commissioner Studebaker and Seconded by Commissioner McLain to adopt a “Social Media Policy” as an addition to the City of Pampa’s Personnel Policies and Procedures, with each Commission Member voting AYE, the motion carried.

12-080
4. Consider adopting Resolution No. R12-013, a Resolution of the City of Pampa, Texas authorizing the submission of an application to the Texas Community Development Program and all other matters pertaining thereto.

RESOLUTION R12-013

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PAMPA, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY’S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY’S PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM.

A motion was made by Commissioner Studebaker and Seconded by Commissioner Porter to adopt Resolution No. R12-013, a Resolution of the City of Pampa, Texas authorizing the submission of an application to the Texas Community Development Program and all other matters pertaining thereto, with each Commission Member voting AYE, the motion as carried as AMENDED.
A motion was made by Commissioner Studebaker and Seconded by Commissioner McLain to amend the original motion by correcting the City of Pampa’s fund commitment to at least $55,005.00 instead of $68,755.00 and to vote on the original motion as amended, with each Commission Member voting AYE, the motion carried.

5. Consider approving on first reading Ordinance No. 1571, an Ordinance of the City of Pampa, Texas providing that its Code of Ordinance be amended by revising Article 4.06, “Peddlers, Solicitors and Vendors”.

ORDINANCE NO. 1571
AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY REVISING ARTICLE 4.06 PEDDLERS, SOLICITORS AND VENDORS, TO EXTEND THE PERMISSIBLE HOURS OF VENDING AND SOLICITING TO SUNSET, TO MAKE IT UNLAWFUL FOR SOLICITING OR VENDING ON SUNDAYS AND CERTAIN HOLIDAYS, TO PROHIBIT ENTRY ON POSTED PROPERTY, TO PROHIBIT USE OF ANY ENTRANCE OTHER THAN THE MAIN ENTRANCE, TO PROHIBIT SOLICITATION OR VENDING FOR ANY PURPOSE OTHER THAN THAT SET OUT IN A LICENSE APPLICATION, PROVIDING FOR PENALTY FOR VIOLATION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner McLain and Seconded by Commissioner Studebaker to approve on first reading Ordinance No. 1571, an Ordinance of the City of Pampa, Texas providing that its Code of Ordinance be amended by revising Article 4.06, “Peddlers, Solicitors and Vendors”, with each Commission Member voting AYE, the motion carried.

6. Consider approving on first reading Ordinance No. 1572, an Ordinance of the City of Pampa, Texas granting a Specific Use Permit for the location of a new HUD-Code manufactured home.

ORDINANCE NO. 1572
AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR THE LOCATION OF A NEW HUD-CODE MANUFACTURED HOME UPON PROPERTY OF CHRISTINE GRIFFIN KNOWN AS 3409 N. DUNCAN STREET LOCATED WITHIN THE N/2 OF SECTION 100, BLOCK 3, I&GN RY. CO. SURVEY, GRAY COUNTY, TEXAS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Studebaker and Seconded by Commissioner Porter to approve on first reading Ordinance No. 1572, an Ordinance of the City of Pampa, Texas granting a Specific Use Permit for the location of a new HUD-Code manufactured home, with each Commission Member voting AYE, the motion carried.


A motion was made by Commissioner Studebaker and Seconded by Commissioner Porter to approve the List of Disbursements dated May 31, 2012 with Disbursements being $3,156,333.66
with amount after balance sheet and income accounts being $2,498,606.86, with each Commission Member voting AYE, the motion carried.

**ADJOURNMENT**

There being no further business on the agenda, the meeting was adjourned at 4:51 p.m. by Mayor Brad Pingel.

Karen L. Price, City Secretary Brad Pingel, Mayor
AGENDA ITEM NO. 2

ITEM/PROJECT: COMMISSION ABSENCE

MEETING DATE: July 10, 2012


STAFF CONTACT:

FINANCIAL IMPACT:

SOURCE OF FUNDS:

START/COMPLETION SCHEDULE:

RECOMMENDED ACTION:

BACKGROUND/ADDITIONAL INFORMATION:
AGENDA ITEM NO. 3

ITEM/PROJECT: ORDINANCE NO. 1571 – PEDDLERS, SOLICITORS AND VENDORS

MEETING DATE: July 10, 2012

DESCRIPTION: Consider adopting on second and final reading Ordinance No. 1571, an Ordinance of the City of Pampa, Texas providing that its Code of Ordinance be amended by revising Article 4.06, “Peddlers, Solicitors and Vendors”.

STAFF CONTACT: Kelly Rushing

FINANCIAL IMPACT: N/A

SOURCE OF FUNDS: N/A

START/COMPLETION SCHEDULE: Ordinance will be effective following second and final reading and publication in the Pampa News.

RECOMMENDED ACTION: Adopt Ordinance No. 1571 on second and final reading.

BACKGROUND/ADDITIONAL INFORMATION: Ordinance attached.
ORDINANCE NO. 1571

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY REVISING ARTICLE 4.06 PEDDLERS, SOLICITORS AND VENDORS, TO EXTEND THE PERMISSIBLE HOURS OF VENDING AND SOLICITING TO SUNSET, TO MAKE IT UNLAWFUL FOR SOLICITING OR VENDING ON SUNDAYS AND CERTAIN HOLIDAYS, TO PROHIBIT ENTRY ON POSTED PROPERTY, TO PROHIBIT USE OF ANY ENTRANCE OTHER THAN THE MAIN ENTRANCE, TO PROHIBIT SOLICITATION OR VENDING FOR ANY PURPOSE OTHER THAN THAT SET OUT IN A LICENSE APPLICATION, PROVIDING FOR PENALTY FOR VIOLATION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PAMPA, TEXAS:

Section 1.

That Sec. 4.06.001 be amended by adding the following Definition thereto:

_Sunset_. The time of day identified by the National Weather Service as the time for sunset on that day in the City of Pampa, Texas.

Section 2.

That Sec. 4.06.005 be amended in its entirety to read as follows:

_Hours_

It shall be unlawful for any person to sell, offer to sell or solicit any goods or merchandise at any private residence (i) before 10:00 a.m., (ii) after 6:00 p.m., or sunset, whichever is later, or (iii) at any time on a Sunday, Martin Luther King Day, Valentine’s Day, Presidents’ Day, Good Friday, Memorial Day, Labor Day, Halloween, Thanksgiving, Christmas Eve, or Christmas Day, unless otherwise posted by the private property owner or by some person with apparent authority to act for the owner. This section does not apply where the solicitor or vendor is on the property by the express prior invitation or consent of the person residing on the premises.

Section 3.

That Sec. 4.06.006 be amended by adding the following:

(6) Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right of way (public or private) indicating a prohibition against peddling, soliciting, and/or vending. Such sign need not exceed one square foot in size and may contain words such
as “no soliciting” or “no solicitors” in letters of at least two inches in height. Such phrase, however used, shall also prohibit peddling and vending.

(7) Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words “no soliciting” and which is clearly visible to the peddler, solicitor or vendor.

(8) Use or attempt to use any entrance other than the front or main entrance to the dwelling, step from the sidewalk or indicated walkway (where one exists) leading from the right of way to the front or main entrance, or enter the dwelling, except by express invitation of the resident or occupant of the property.

(9) To act for a purpose or engage in any activity other than that set out in the application upon which the license was issued.

Section 4.

That Article 4.06 be amended by adding the following as Sec. 4.06.009:

Sec. 4.06.009  Violation

Any person violating any part of this ordinance or failing to observe any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred Dollars ($500.00). Every day the violation continues shall be deemed as a separate offense.

Section 5.

That Article 4.06 be amended by adding the following as Sec. 4.06.040:

Sec. 4.06.040  Severability

It is the intention of the City Commission that the sections, paragraphs, sentences, clauses, phrases and words of Article are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this Article shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words of this Article since the same would have been enacted by the City Commission without the incorporation therein of any such unconstitutional or invalid portion.
Section 6.

This Ordinance shall be effective upon its adoption and shall be enforceable ten (10) days after its publication as provided by law.

INTRODUCED, PASSED, and APPROVED on its first reading this 26th day of June, 2012.

INTRODUCED, PASSED and APPROVED on its second and final reading this 10th day of July, 2012.

CITY OF PAMPA, TEXAS

By: _______________________________
Brad Pingel, Mayor

ATTEST:

__________________________________
Karen L. Price, City Secretary

APPROVED AS TO FORM:

__________________________________
Leland W. Waters, City Attorney
AGENDA ITEM NO. 4

ITEM/PROJECT: ORDINANCE NO. 1572

MEETING DATE: July 10, 2012

DESCRIPTION: Consider adopting on second and final reading Ordinance No. 1572, an Ordinance of the City of Pampa, Texas granting a Specific Use Permit for the location of a new HUD-Code manufactured home.

STAFF CONTACT: Donny Hooper  
Jil Arias

FINANCIAL IMPACT: N/A

SOURCE OF FUNDS: N/A

START/COMPLETION SCHEDULE: Ordinance will be effective following second and final reading.

RECOMMENDED ACTION: Adopt Ordinance No. 1572 on second and final reading.

BACKGROUND/ADDITIONAL INFORMATION: Ordinance attached.
ORDINANCE NO. 1572

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR THE LOCATION OF A NEW HUD-CODE MANUFACTURED HOME UPON PROPERTY OF CHRISTINE GRIFFIN KNOWN AS 3409 N. DUNCAN STREET LOCATED WITHIN THE N/2 OF SECTION 100, BLOCK 3, I&GN RY. CO. SURVEY, GRAY COUNTY, TEXAS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application was filed by the owner of the following property, Christine Griffin, with the Planning & Zoning Commission (“P&Z”) of the City of Pampa, Texas (“City”), for a Specific Use Permit on property located within an Agricultural District, to locate a new HUD-Code manufactured home on the property which is commonly known as 3409 N. Duncan Street, for primary residential use, which use is permitted under Subsection 16, Section 7 of Ordinance No. 690 of the City passed on April 8, 1969; and

WHEREAS, a public hearing was held by the P&Z on the application and the P&Z has approved the application and recommended that the grant of a specific use permit for locating such manufactured home upon that property known as 3409 N. Duncan Street, located within the N/2 of Section 100, Block 3, I&GN Ry. Co. Survey, Gray County, Texas, for primary residential use, be approved by the City Commission; and

WHEREAS, a public hearing was held by the City Commission on granting such specific use permit, and no objections were received, and the City Commission FINDS that such permit should be granted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PAMPA, TEXAS:

Section 1.

That a Specific Use Permit is hereby granted to Christine Griffin to locate a new HUD-manufactured home upon her property commonly known as 3409 N. Duncan Street, located within the N/2 of Section 100, Block 3, I&GN Ry. Co. Survey, Gray County, Texas, for primary residential use.

Section 2.

If any section, subsection, paragraph, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The City Commission of the City hereby declares that it would have passed this Ordinance and each section, subsection,
sentence, paragraph, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, paragraphs, clauses or phrases be declared unconstitutional or invalid.

Section 3.

This ordinance shall be effective upon its final approval.

INTRODUCED, PASSED and APPROVED on its first reading this the 26th day of June, 2012.

INTRODUCED, PASSED and APPROVED on its second and final reading this the _____ day of July, 2012.

CITY OF PAMPA, TEXAS

By: _______________________________

Brad Pingel, Mayor

ATTEST:

__________________________________
Karen L. Price, City Secretary

APPROVED AS TO FORM:

__________________________________
Leland W. Waters, City Attorney
Location of Request for Specific Use Permit

City of Pampa, Texas
LOCATION OF REQUEST FOR SPECIFIC USE PERMIT
City of Pampa, Texas
LOCATION OF REQUEST FOR SPECIFIC USE PERMIT

3409 Duncan
Location of Request for Specific Use Permit for Mobile Home
AGENDA ITEM NO. 5

ITEM/PROJECT: REPLACE CITY HALL ENTRY DOORS

MEETING DATE: July 10, 2012

DESCRIPTION: Consider approving replacement of current City Hall entry doors using funds from the Court Security Fund.

STAFF CONTACT: Richard Morris

FINANCIAL IMPACT:

SOURCE OF FUNDS:

START/COMPLETION SCHEDULE:

RECOMMENDED ACTION: Approve replacing City Hall doors.

BACKGROUND/ADDITIONAL INFORMATION: