CITY OF PAMPA
CITY COMMISSION AGENDA
REGULAR MEETING

John Studebaker, Commissioner Ward 1
Rebecca Holmes, Commissioner Ward 2
Robert Dixon, Commissioner Ward 3
Neil Fulton, Commissioner Ward 4

Brad Pingel, Mayor
Richard Morris, City Manager
Karen Price, City Secretary
Leland Waters, City Attorney
Shane Stokes, Asst. City Manager

Notice is hereby given of a REGULAR MEETING of the City Commission of the City of Pampa to be held on TUESDAY, MARCH 13, 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

PUBLIC HEARING – The City Commission of the City of Pampa, Texas will conduct a Public Hearing at 4:00 p.m. on March 13, 2012 at City Hall, 3rd Floor City Commission Chambers, 201 W. Kingsmill, Pampa, Texas. This will be a public hearing for the purpose of receiving public comments concerning the following request: Reyna Castillo requests to re-zone the following described property from Single Family 3 to Commercial – Lots 12 through 14, Block 4, Wilcox Addition, commonly known as 821 E. Campbell. The applicant proposes to allow neighbors to conduct business on an adjacent property. The public is encouraged to attend this hearing. Public comments on the proposed zoning change are welcome and will be heard.

PUBLIC HEARING – The City Commission of the City of Pampa, Texas will conduct a Public Hearing at immediately following the first Public Hearing on March 13, 2012 at City Hall, 3rd Floor City Commission Chambers, 201 W. Kingsmill, Pampa, Texas. This will be a public hearing for the purpose of receiving public comments concerning the following request: Apodaca Brothers, Inc. requests to re-zone the following described property from Single Family 3 to Commercial – Lots 15 through 22, Block 4, Wilcox Addition, commonly known as 801 E. Campbell. The applicant proposes to conduct an HVAC business and maintain a warehouse plus office space on the property. The public is encouraged to attend this hearing. Public comments on the proposed zoning change are welcome and will be heard.

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.

IN THE SPOTLIGHT:

► Charlene Gardner – Scholarship
► Robin Bailey and Gayla Pickens – Certificate of Achievement for Excellence in Financial Reporting

AUTHORIZATIONS BY CITY COMMISSION:

1. Consider approving the minutes of the February 28, 2012 Regular City Commission meeting as presented.

2. Consider approving on first reading Ordinance No. 1565, an Ordinance of the City of Pampa, Texas relative to the rezoning of property located at Lots 15 through 22, Block 4, Wilcox Addition, commonly known as 801 E Campbell.
3. Consider approving on first reading Ordinance No. 1566, an Ordinance of the City of Pampa, Texas relative to the rezoning of property located at Lots 12 through 14, Block 4, Wilcox Addition, commonly known as 821 E Campbell.

4. Consider approving on first reading Ordinance No. 1567, an Ordinance of the City of Pampa, Texas amending its Adult Business Ordinance.

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, March 9, 2012 before 6:00 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: ____________________________________________
CITY OF PAMPA
AGENDA INFORMATION SHEET

PUBLIC HEARING (1)

ITEM/PROJECT: REZONING

MEETING DATE: March 13, 2012

DESCRIPTION: The City Commission of the City of Pampa, Texas will conduct a Public Hearing at 4:00 p.m. on March 13, 2012 at City Hall, 3rd Floor City Commission Chambers, 201 W. Kingsmill, Pampa, Texas. This will be a public hearing for the purpose of receiving public comments concerning the following request: Reyna Castillo requests to re-zone the following described property from Single Family 3 to Commercial – Lots 12 through 14, Block 4, Wilcox Addition, commonly known as 821 E. Campbell. The applicant proposes to allow neighbors to conduct business on an adjacent property. The public is encouraged to attend this hearing. Public comments on the proposed zoning change are welcome and will be heard.

STAFF CONTACT: Donny Hooper
Richard,

The City Commission will be meeting on Tuesday the 13th of March to conduct public hearings concerning the rezoning of the two properties owned separately by Apodaca Brothers Inc., and Mrs. Reyna Castillo.

The properties are currently zoned residential. Both parties requested the zoning change so that the West property, owned by Apodaca Brothers Inc. could be utilized to conduct a heating & air conditioning business. The other zoning change was requested Mrs. Castillo so as to allow the Apodaca Brothers to conduct their business.

We as staff have researched the request and have found no issues with the request. Furthermore, we as staff find it to be for a reasonable cause with little or no negative effect on the surrounding areas and have also determined that spot zoning issues do not exist. We have sent all of the proper notices to addresses within 200' of the properties in question as required by law.

The planning and zoning commission will meet on Monday afternoon. We will have their recommendation for the City Commission at that time.

Sincerely,

Donny Hooper

Director of Public Works
City of Pampa, Texas
Zoning Change Request

Lots 12-14, Block 4, Wilcox Addition
Request for Rezone from Residential to Commercial

Lots 15-22, Block 4, Wilcox Addition
Request for Rezone from Residential to Commercial

REMAINS ZONED COMMERCIAL
ITEM/PROJECT: REZONING

MEETING DATE: March 13, 2012

DESCRIPTION: PUBLIC HEARING – The City Commission of the City of Pampa, Texas will conduct a Public Hearing at immediately following the first Public Hearing on March 13, 2012 at City Hall, 3rd Floor City Commission Chambers, 201 W. Kingsmill, Pampa, Texas. This will be a public hearing for the purpose of receiving public comments concerning the following request: Apodaca Brothers, Inc. requests to rezone the following described property from Single Family 3 to Commercial – Lots 15 through 22, Block 4, Wilcox Addition, commonly known as 801 E. Campbell. The applicant proposes to conduct an HVAC business and maintain a warehouse plus office space on the property. The public is encouraged to attend this hearing. Public comments on the proposed zoning change are welcome and will be heard.

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The properties are currently zoned residential. Both parties requested the zoning change so that the West property, owned by Apodaca Brothers Inc. could be utilized to conduct a heating & air conditioning business. The other zoning change was requested Mrs. Castillo so as to allow the Apodaca Brothers to conduct their business.

We as staff have researched the request and have found no issues with the request. Furthermore, we as staff find it to be for a reasonable cause with little or no negative effect on the surrounding areas and have also determined that spot zoning issues do not exist. We have sent all of the proper notices to addresses within 200' of the properties in question as required by law.

The planning and zoning commission will meet on Monday afternoon. We will have their recommendation for the City Commission at that time.

Sincerely,

Donny Hooper

Director of Public Works
February 8, 2012

Ms. Charlene Gardner
Deputy City Secretary
City of Pampa
P. O. Box 2499
Pampa, Texas 79066

Dear Ms. Gardner:

On behalf of the TMCA Certification Committee, it is my pleasure to inform you that your request for a Seminar Registration Fee Scholarship to attend the April 2012 Public Funds Investment Seminar in Waco has been approved.

Payment of the Seminar Registration Fee Scholarship will be made directly to the Certification Program once your registration form has been submitted and received by the Texas Municipal Clerks Certification Program (TMCCP).

The Certification Committee commends your dedicated efforts to continue your professional development by participating in the TMCCP. Best wishes for your continued success.

Sincerely,

Shelley B. George, TRMC
City Secretary
2012 TMCA, Inc. Certification Committee Chair

cc: 2012 TMCA, Inc. Certification Committee Members
LeAnn Gallman, TMCA, Inc. President
Norma Grimaldo, TMCA, Inc. President Elect
Mary Kayser, TMCA, Inc. Immediate Past President
Sherry Mashburn, TMCA, Inc. Treasurer
Peggy Burnside, TMCCP Administrative Director
Joyce Snay, TMCCP Education Director
10/26/2011
NEWS RELEASE

For Information contact:
Stephen Gauthier (312) 977-9700

(Chicago) -- The Certificate of Achievement for Excellence in Financial Reporting has been awarded to City of Pampa by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Robin Bailey, Director of Finance

Gayla Pickens, Assistant Director of Finance

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 17,500 government finance professionals with offices in Chicago, IL, and Washington, D.C.
AGENDA ITEM NO. 1

ITEM/PROJECT:       MINUTES

MEETING DATE:       March 13, 2012

DESCRIPTION:       Consider approving the minutes of the February 28, 2012 Regular City Commission meeting as presented.

STAFF CONTACT:      Karen Price

FINANCIAL IMPACT:   N/A

SOURCE OF FUNDS:   N/A

START/COMPLETION SCHEDULE:

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
          Rebecca Holmes Commissioner
          Robert Dixon Commissioner

ABSENT: Neil Fulton Commissioner

STAFF: Richard Morris City Manager
        Leland Waters City Attorney
        Karen Price City Secretary
        Shane Stokes Asst. City Manager
        Donny Hooper Public Works Director
        Kelly Rushing Chief of Police
        Kim Powell Fire Chief
        Robin Bailey Finance Director
        Gayla Pickens Asst. Finance Director
        Danny Winborne Asst. Public Works Director
        Kevin Webb IT Manager
        Jil Arias Engineer in Training

VISITORS: Lynn Hancock Briarwood Church
          Brian Thomas GH2 Architects
          Heidi Rick
          John Rick
          Brian Thomas
          Caitlyn Tanner
          Bryan Guymon
          Cleo Meaker
          Audrey Meaker
          Helen Allison
          Faustina Curry
          Glenda Hesley

NEWS MEDIA: Molliee Bryant Pampa News
             Arnie Pampa News
             Mike Ehrle KGRO Radio

INVOCATION: Lynn Hancock, Pastor Briarwood Church

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS: NONE

PROCLAMATION:
  ► City of Pampa Centennial Anniversary – Mayor Brad Pingel

PRESENTATION:
  ► City of Pampa Animal Welfare Facility – Brian Thomas with GH2 Architects

DISCUSSION
  ► Aquatic Center Fees – Shane Stokes
AUTHORIZED BY COMMISSION:

12-020

1. CONSENT AGENDA – All Consent Agenda items listed are considered to be routine in nature by the City Commission and will be enacted by one motion. There will be no separate discussion on these items unless a Commissioner so request, in which event that item will be removed from the Consent Agenda and considered in normal sequence on the agenda. Information concerning Consent Agenda items is available for public review.

   a. Consider approving the minutes of the February 14, 2012 Regular City Commission Meeting as presented.

   b. Consider award of bid in the amount of $600.00 from Bruce G. & Brenda Madden for delinquent tax property located at Lots 19 through 24, Block 26, Wilcox Addition, commonly known as 840 & 842 E. Denver and Lots.

   c. Consider award of bid in the amount of $500.00 from Bruce G. & Brenda Madden for delinquent tax property located at Lots 29 through 31, Block 20, Wilcox Addition, commonly known as 939 E. Denver.

   d. Consider award of bid in the amount of $500.00 from Bruce G. & Brenda Madden for delinquent tax property located at Lots 99 through 32, Block 25, Wilcox Addition, commonly known as 727 & 735 E. Scott.

   e. Consider award of bid in the amount of $401.00 from Josh Shelton for delinquent tax property located at Tract F, Block 1, Crawford Addition, commonly known as a lot on Wynne.

A motion was made by Commissioner Dixon and Seconded by Commissioner Holmes to approve the Consent Agenda, Items a through e as presented, with each Commission Member voting AYE, the motion carried.

12-021

2. Consider approving the lease-purchase of 40 EZ-GO-RXV 2012 golf cars to replace the existing fleet of 2008 golf cars, authorizing the City Manager and Assistant City Manager to execute Lease-Purchase Agreement with PNC Equipment Finance, LLC, and approving Resolution and Certificate of Incumbency and execution thereof by the City Manager and Assistant City Manager.

A motion was made by Commissioner Holmes and Seconded by Commissioner Studebaker to approve the lease-purchase of 40 EZ-GO-RXV golf cars to replace the existing fleet of 2008 golf cars, authorizing the City Manager and Assistant City Manager to execute Lease-Purchase Agreement with PNC Equipment Finance, LLC, and approve Resolution and Certificate of Incumbency and execution thereof by the City Manager and Assistant City Manager, with each Commission Member voting AYE, the motion carried.

12-022

3. Consider adopting on its first and only reading as an emergency measure, Ordinance No. 1563, an Ordinance of the City of Pampa, Texas adopting an amended Drought Contingency Plan.

A motion was made by Commissioner Studebaker and Seconded by Commissioner Dixon to adopt on its first and only reading, as an emergency measure, Ordinance No. 1563, an Ordinance of the City of Pampa, Texas adopting an amended Drought Contingency Plan, with each Commission Member voting AYE, the motion carried.
4. Consider approving on first reading Ordinance No. 1564, an Ordinance ordering and providing notice of a General and Special Election to be held on May 12, 2012 for the City of Pampa, Texas.

(Considere la aprobación en la primera lectura, Ordenanza No. 1564, un pedido de Ordenanza y aviso de un General y elección especial que se celebrará el 12 Mayo de 2012 para la cuidad de Pampa, Texas).

CITY OF PAMPA, TEXAS
ORDINANCE NO. 1564

AN ORDINANCE ORDERING AND PROVIDING NOTICE OF A GENERAL ELECTION FOR THE CITY OF PAMPA, TEXAS, TO BE HELD ON THE 12TH DAY OF MAY, 2012, FOR THE PURPOSE OF ELECTING A COMMISSION MEMBER FOR WARD 2 AND FOR WARD 4, AND CALLING A SPECIAL ELECTION ON THE 12TH DAY OF MAY, 2012 FOR VOTER CONSIDERATION OF AN AMENDMENT OF SPECIFIC SECTIONS OF THE HOME RULE CHARTER; DECLARING BALLOT LANGUAGE FOR SUCH PROPOSITION FOR AMENDMENT; PROVIDING FOR EARLY VOTING BY PERSONAL APPEARANCE; PROVIDING FOR THE ESTABLISHMENT OF POLLING PLACES; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH GRAY COUNTY; PROVIDING FOR CERTAIN JOINT ELECTION ARRANGEMENTS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; SEVERABILITY; PROPER NOTICE AND MEETING; AND AN EFFECTIVE DATE.

A motion was made by Commissioner Dixon and Seconded by Commissioner Studebaker to approve on first reading Ordinance No. 1564, an Ordinance ordering and providing notice of a General and Special Election to be held on May 12, 2012 for the City of Pampa, Texas, with each Commission Member voting AYE, the motion carried.

5. Consider all matters incident and related to ordering and holding a Bond Election for the City of Pampa, Texas including the adoption of Resolution No. R12-003 pertaining thereto.

(Examinar todas las cuestiones incidente y relacionadas con pedidos y la celebración de una elección de enlace para la ciudad de Pampa, Texas, incluida la adopción de la Resolución NO. R12-003 correspondientes).

RESOLUTION NO. R12-003

A RESOLUTION ORDERING A BOND ELECTION TO BE HELD IN THE CITY OF PAMPA, TEXAS, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.

A motion was made by Commissioner Holmes and Seconded by Commissioner Studebaker to approve all matters incident and related to ordering and holding a Bond Election for the City of Pampa, Texas including the adoption of Resolution No. R12-003 pertaining thereto, with each Commission Member voting AYE, the motion carried.
Consider adopting Resolution No. R12-004, a Resolution revising the general admission fees and season pass fees for the Pampa H20 Aquatic Center.

RESOLUTION NO. R12-004

A RESOLUTION OF THE CITY OF PAMPA, TEXAS REVISING THE GENERAL ADMISSION FEES AND SEASON PASS FEES FOR THE H2O AQUATIC CENTER

A motion was made by Commissioner Dixon and Seconded by Commissioner Studebaker to adopt Resolution No R12-004, a Resolution revising the general admission fees and season pass fees for the Pampa H20 Aquatic Center, with each Commission Member voting AYE, the motion carried.


A motion was made by Commission Dixon and Seconded by Commissioner Holmes to adopt the List of Disbursements dated January 31, 2012 with total disbursements being $1,568,502.58 and the amount after balance sheet and income accounts being $881,856.88, with each Commission Member voting AYE, the motion carried.

EXECUTIVE SESSION: The City Commission convened into closed session at 4:52 p.m. in accordance with Texas Government Code Subchapter D, Section 551.074 – Personnel Matters to:

► Evaluate City Manager

City Commission RECONVENEED into open session at 6:25 p.m. with no action taken.

ADJOURNMENT

There being no further business on the agenda, the meeting was adjourned at 6:25 p.m. by Mayor Brad Pingel.

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

ITEM/PROJECT: ORDINANCE NO. 1565 - REZONING

MEETING DATE: March 13, 2012

DESCRIPTION: Consider approving on first reading Ordinance No. 1565, an Ordinance of the City of Pampa, Texas relative to the rezoning of property located at Lots 15 through 22, Block 4, Wilcox Addition, commonly known as 801 E. Campbell

STAFF CONTACT: Donny Hooper

FINANCIAL IMPACT: N/A

SOURCE OF FUNDS: N/A

START/COMPLETION SCHEDULE: Ordinance/rezoning effective after second and final reading.

RECOMMENDED ACTION: Approve Ordinance No. 1565 on first reading.

BACKGROUND/ADDITIONAL INFORMATION: Ordinance attached.
ORDINANCE NO. 1565

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, AMENDING SECTION 3 OF ORDINANCE NO. 690 (APPENDIX A TO THE CODE OF ORDINANCES, CITY OF PAMPA, TEXAS), PASSED AND APPROVED ON APRIL 8, 1969, CHANGING FROM A SINGLE-FAMILY 3 DISTRICT AND PLACING IN A COMMERCIAL DISTRICT LOTS 15, 16, 17, 18, 19, 20, 21, AND 22, BLOCK 4, WILCOX ADDITION TO THE CITY OF PAMPA, GRAY COUNTY, TEXAS, AND PROVIDING FOR EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PAMPA, TEXAS:

Section 1.

That Section 3 of Ordinance No. 690 passed and approved by the City of Pampa, Texas, the 8th day of April, 1969 (Appendix A to the Code of Ordinances, City of Pampa, Texas) is hereby amended so that the following described property shall be, and it is hereby, changed from a Single-Family 3 District and placed in a Commercial District, to-wit:

All of Lots 15, 16, 17, 18, 19, 20, 21, and 22, Block 4, Wilcox Addition to the City of Pampa, Gray County, Texas, according to the duly recorded map or plat thereof.

Section 2.

This ordinance shall be effective upon its final reading and passage as provided by law.

INTRODUCED, PASSED, and APPROVED on its first reading this 13th day of March, 2012.

INTRODUCED, PASSED and APPROVED on its second and final reading this 27th day of March, 2012.

CITY OF PAMPA, TEXAS

By: ______________________________
    Brad Pingel, Mayor

ATTEST:

_______________________________
Karen L. Price, City Secretary

APPROVED AS TO FORM:

_______________________________
Leland W. Waters, City Attorney
ITEM/PROJECT: ORDINANCE NO. 1566 - REZONING

MEETING DATE: March 13, 2012

DESCRIPTION: Consider approving on first reading Ordinance No. 1566, an Ordinance of the City of Pampa, Texas relative to the rezoning of property located at Lots 12 through 14, Block 4, Wilcox Addition, commonly known as 821 E. Campbell

STAFF CONTACT: Donny Hooper

FINANCIAL IMPACT: N/A

SOURCE OF FUNDS: N/A

START/COMPLETION SCHEDULE: Ordinance/rezoning effective after second and final reading.

RECOMMENDED ACTION: Approve Ordinance No. 1566 on first reading.

BACKGROUND/ADDITIONAL INFORMATION: Ordinance attached.
ORDINANCE NO. 1566

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, AMENDING SECTION 3 OF ORDINANCE NO. 690 (APPENDIX A TO THE CODE OF ORDINANCES, CITY OF PAMPA, TEXAS), PASSED AND APPROVED ON APRIL 8, 1969, CHANGING FROM A SINGLE-FAMILY 3 DISTRICT AND PLACING IN A COMMERCIAL DISTRICT LOTS 12, 13 AND 14, BLOCK 4, WILCOX ADDITION TO THE CITY OF PAMPA, GRAY COUNTY, TEXAS, AND PROVIDING FOR EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PAMPA, TEXAS:

Section 1.

That Section 3 of Ordinance No. 690 passed and approved by the City of Pampa, Texas, the 8th day of April, 1969 (Appendix A to the Code of Ordinances, City of Pampa, Texas) is hereby amended so that the following described property shall be, and it is hereby, changed from a Single-Family 3 District and placed in a Commercial District, to-wit:

All of Lots 12, 13 and 14, Block 4, Wilcox Addition to the City of Pampa, Gray County, Texas, according to the duly recorded map or plat thereof.

Section 2.

This ordinance shall be effective upon its final reading and passage as provided by law.

INTRODUCED, PASSED, and APPROVED on its first reading this 13th day of March, 2012.

INTRODUCED, PASSED and APPROVED on its second and final reading this 27th day of March, 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. 1567 – AMENDING ADULT BUSINESS ORDINANCE

MEETING DATE: March 13, 2012

DESCRIPTION: Consider approving on first reading Ordinance No. 1567, an Ordinance of the City of Pampa, Texas amending its Adult Business Ordinance.

STAFF CONTACT: Richard Morris

FINANCIAL IMPACT: N/A

SOURCE OF FUNDS: N/A

START/COMPLETION SCHEDULE: Ordinance effective after second and final reading and publication in newspaper.

RECOMMENDED ACTION: Approve Ordinance No. 1567 on first reading.

BACKGROUND/ADDITIONAL INFORMATION: Ordinance attached.
ORDINANCE NO. 1567

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY REVISING ARTICLE 4.08 ADULT BUSINESSES TO ADD PARAGRAPHS (h), (i), (j), AND (k) TO SECTION 4.08.001, AND BY AMENDING SECTION 4.08.007 (c); AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PAMPA, TEXAS:

Section 1.

That Sec. 4.08.001 be amended to include the following additional paragraphs:

(h) **License:** The license required by this Article as a condition of conducting an adult business as defined in paragraphs (a) through (g) above.

(i) **Specific or Specified Sexual Activities:** Depiction of male genitals in a state of sexual stimulation or arousal; female genitals; acts of masturbation, sexual intercourse, oral copulation, sodomy, or bestiality, whether actual or simulated; fondling or touching of the human genitals, pubic region, buttock, or anus; or any combination of the foregoing.

(j) **Specified Anatomical Areas:** Less than completely and opaquely covered human genitals, pubic region, buttock, anus, female breasts below the top of the areola, or human male genitals in a discernibly erect state even if completely and opaquely covered, or any combination of the foregoing.

(k) **Viewing Booths:** An enclosure or partial enclosure which contains or utilizes any electrical or mechanical device which displays or projects any film, video or photographic reproduction into the enclosure or partial enclosure of motion or still pictures characterized by depiction of Specified Sexual Activities or Specified Anatomical Areas.

Section 2.

That Sec. 4.08.007 (c) be amended to read as follows:

(c) Should the Building Official determine that an Adult Business is not in compliance with the requirements of the Pampa Code of Ordinances, he may at any time give notice in writing to the licensee, or the person in control if the licensee cannot be easily located, of the violation and that the license is in jeopardy of revocation if the violation is not corrected by the following business day. Should the violation not be
corrected by the following business day, the Building Official may revoke and cancel the license.

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 13th day of March, 2012.

INTRODUCED, PASSED and APPROVED on its second and final reading this 27th day of March, 2012.

CITY OF PAMPA, TEXAS

By: _______________________________
    Brad Pingel, Mayor

ATTEST:

__________________________________
Karen L. Price, City Secretary

APPROVED AS TO FORM:

__________________________________
Leland W. Waters, City Attorney