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, Texas to be held on TUESDAY, MAY 8, 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 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:

▶ Recycle Center – Donny Hooper

AUTHORIZATIONS BY CITY COMMISSION:

1. Consider approving the minutes of the April 24, 2012 Regular City Commission meeting as presented.

2. Excuse the absence of Commissioner John Studebaker from the April 24, 2012 Regular City Commission meeting.

3. Consider adopting on second and final reading Ordinance No. 1569, an Ordinance of the City of Pampa providing for the regulation of construction and operation of wind energy systems.

4. Consider approving on first reading Ordinance No. 1570, an Ordinance of the City of Pampa amending the revenues and appropriations for the support of the City of Pampa for the fiscal year beginning October 1, 2011 and ending September 30, 2012. This amendment is to increase the 2012 Seal Coat Project.

5. Consider adopting Resolution No. R12-007, a Resolution of the City of Pampa denying Atmos Energy Corporation’s requested rate change.

6. Consider approving on first reading Resolution No. R12-008, a Resolution of the City of Pampa approving an economic development grant in the amount of $25,000.00 to the Gray County 4-H Club from the Pampa Economic Development Corporation.

7. Consider appointing an Alternate Election Judge for the May 12, 2012 City of Pampa General, Special and Bond Elections.

(La posibilidad de nombrar un juez electoral alternativo para el 12 de Mayo de 2012 en la ciudad de Pampa en las elecciones generales, especiales y de Bonos).
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, May 4, 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: May 8, 2012

DESCRIPTION: Consider approving the minutes of the April 24, 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 April 24, 2012 minutes as presented.

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

PRESENT: Brad Pingel Mayor
Rebecca Holmes Commissioner
Neil Fulton Commissioner
Robert Dixon Commissioner

ABSENT: John Studebaker Commissioner
Karen Price City Secretary

STAFF: Richard Morris City Manager
Shane Stokes Asst. City Manager
Leland Waters City Attorney
Charlene Gardner Deputy City Secretary
Robin Bailey Finance Director
Donny Hooper Public Works Director
Kelly Rushing Chief of Police
Kim Powell Fire Chief
Gayla Pickens Asst. Finance Director
Danny Winborne Asst. Public Works Director
Jil Arias Engineer in Training
Fred Courtney Emergency Management Coordinator
Story McCullar Crime Prevention Officer
Kevin Webb IT Manager

VISITORS: Lynn Hancock Briarwood Church
Clay Rice PEDC
Jose Garcia National Weather Service
Krissy Scotten National Weather Service
Joe Slater
Barbara Slater
Eugene Taylor

NEWS MEDIA: Mollie Bryant Pampa News
Mike Ehrle KGRO Radio

INVOCATION: Lynn Hancock, Pastor Briarwood Church

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS: NONE

SPOTLIGHT: Handicapped Parking Helpers-Chief Kelly Rushing

AUTHORIZATIONS BY COMMISSION:

12-044

1. Consider approving the minutes of the April 10, 2012 Regular City Commission meeting as presented.

A motion was made by Commissioner Dixon and Seconded by Commissioner Holmes to approve the minutes of the April 10, 2012 Regular City Commission meeting as presented, with each Commission Member voting AYE, the motion carried.
2. Excuse the absence of Commissioners Rebecca Holmes and Robert Dixon from the April 10, 2012 Regular City Commission meeting.

A motion was made by Commissioner Fulton and Seconded by Mayor Pingel to excuse the absence of Commissioners Rebecca Holmes and Robert Dixon from the April 10, 2012 Regular City Commission meeting, with each Commission Member voting AYE, the motion carried.

3. Consider adopting on second and final reading Ordinance No. 1568, an Ordinance of the City of Pampa, Texas re-enacting the nocturnal curfew for minors under the age of 17 years old.

ORDINANCE NO. 1568

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, RE-INTRODUCING AND CONTINUING SECTION 8.04 OF CHAPTER 8 OF THE CODE OF ORDINANCES PROVIDING FOR A NOCTURNAL CURFEW FOR MINORS UNDER THE AGE OF 17; PROVIDING FOR OFFENSES; PROVIDING FOR DEFENSES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; SETTING FORTH CUMULATIVE AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Fulton and Seconded by Commissioner Holmes to adopt on second and final reading Ordinance No. 1568, an Ordinance of the City of Pampa, Texas re-enacting the nocturnal curfew for minors under the age of 17 years old, with each Commission Member voting AYE, the motion carried.

4. Consider approving on first reading Ordinance No. 1569, an Ordinance of the City of Pampa providing for the regulation of construction and operation of wind energy systems.

ORDINANCE NO. 1569

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, PROVIDING FOR REGULATION OF CONSTRUCTION AND OPERATION OF WIND ENERGY SYSTEMS, SUBJECT TO PERSONABLE RESTRICTIONS; PROVIDING FOR CONSTRUCTION STANDARDS; PROVIDING FOR MAINTENANCE AND ABANDONMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Holmes and Seconded by Commissioner Dixon to approve on first reading Ordinance No. 1569, an Ordinance of the City of Pampa, Texas, providing for the regulation of construction and operation of wind energy systems, with each Commission Member voting AYE, the motion carried.

5. Consider declaring the attached list of City property as surplus and authorize each department to sell, auction or destroy listed property.

A motion was made by Commissioner Dixon and Seconded by Commissioner Fulton to declare the attached list of City property as surplus and authorize each department to sell, auction or destroy listed property, with each Commission Member voting AYE, the motion carried.

A motion was made by Commissioner Holmes and Seconded by Commissioner Dixon to approve the List of Disbursements dated March 31, 2012 with total Disbursement being $1,800,835.10 and the amount after balance sheet and income accounts being $943,971.24, with each Commission Member voting AYE, the motion carried.

7. 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 view.

a. Consider awarding a bid in the amount of $301.00 from Denisse A. Leyva for delinquent tax property located at Lots 3 & 4, Block 21, Wilcox Addition, commonly known as 806 Murphy.

b. Consider awarding a bid in the amount of $1,253.00 from Yolanda & Pedro Mejia for delinquent tax property located at Lots 7 & 8, Block 1, Prairie Village Addition, commonly known as 1161 and 1157 Varnon.

c. Consider awarding a bid in the amount of $1,107.07 from Blake M. Villanueva for delinquent tax property located at Lot 13, Block 2, Finley Banks Addition, commonly known as 865 S. Faulkner.

d. Consider awarding a bid in the amount of $2,000.00 from Greg Vanderlinden for delinquent tax property located at Lots 16 & 17, Block 4, Tally Addition, commonly known as 712 N. Nadia and Lots on Nadia.

e. Consider awarding a bid in the amount of $4,300.00 from Yolanda Mejia for delinquent tax property located at Lots 13 through 18, Block 1, Hunter Addition, commonly known as 525, 531, and 533 Oklahoma and Lots on Oklahoma.

f. Consider awarding a bid in the amount of $680.00 from Jesus M. Bejarana for delinquent tax property located at Lot 11, Block 13, Prairie Village Addition, commonly known as 1016 Huff.

g. Consider awarding a bid in the amount of $320.00 from Jesus M. Bejarano for delinquent tax property located at Lot 3, Block 5, Prairie Village Addition, commonly known as 1076 Varnon.

h. Consider awarding a bid in the amount of $620.00 from Justin Hampton for delinquent tax property located at Lot 8, Block 6, Lavender Addition, commonly known as 1029 S. Christy.

i. Consider awarding a bid in the amount of $301.00 from Denisse A. Leyva for delinquent tax property located at Lots 13 thru 17, Block 21, Wilcox Addition, commonly known as 824 & 832 E. Murphy.

j. Consider awarding a bid in the amount of $501.00 from Danny Trujillo for delinquent tax property located at N 228.4’ of Tract A, Suburbs 162, commonly known as 625 N. Wynne.

k. Consider awarding a bid in the amount of $325 from M & S Land & Cattle Company, L.L.C. for delinquent tax property located at Lots 15 & 16, Block 33, Talley Addition, commonly known as 400 N. Rider.
1. Consider awarding a bid in the amount of $500.00 from Joel Falcon for delinquent tax property located at Lot 15, Block 1, Gordon Addition, commonly known as 1415 E. Francis.

m. Consider awarding a bid in the amount of $400.00 from Denisse A. Leyva for delinquent tax property located at Lots 47 & 48, Block 11, Wilcox Addition, commonly known as 801 E. Gordon.

n. Consider awarding a bid in the amount of $350.00 from Randy & Gloria Harris for delinquent tax property located at Lot 21, Block 4, Hughes Pitts Addition, commonly known as 429 Hughes.

o. Consider awarding a bid in the amount of $3,001.00 from Darrell L. Brown for delinquent tax property located at Lots 19 through 21, Block 27, Wilcox Addition, commonly known as 938 Denver.

p. Consider awarding a bid in the amount of $1,755.00 from Yolanda & Petro Mejia for delinquent tax property located at Lot 17, Block 1, Prairie Village Addition, commonly known as 1121 Varnon.

q. Consider awarding a bid in the amount of $325.00 from M & S Land & Cattle Company, L.L.C. for delinquent tax property located at N 25’ of Lot 4 and 19-1, Block A, Talley Reserved, commonly known as 413 N. Nadia.

r. Consider awarding a bid in the amount of $300.00 from Geoffrey & Yaneth Couch for delinquent tax property located at Lot 8, Block 27, Talley Addition, commonly known as Lot on N. Doyle.

s. Consider awarding a bid in the amount of $1,300.00 from M & S Land & Cattle Company, L.L.C. for delinquent tax property located at N42’ of W 35’ and E 15’ of W 50’ of N 22’ of Lot 11, Block 7, East End Addition, commonly known as 104 N. Wynne.

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

PRESENTATION: National Weather Service acknowledging City of Pampa for being a “Storm Ready Community”- Jose Garcia, National Weather Service

ADJOURNMENT

There being no further business on the agenda, the meeting was adjourned at 4:21 p.m. by Mayor Brad Pingel.

Charlene A. Gardner, Deputy City Secretary Brad Pingel, Mayor
CITY OF PAMPA
SURPLUS PROPERTY LIST
APRIL 2012

1 – 1988 Chevrolet 3500 Cheyenne Flat Bed Truck – Unit 235 (In running condition)
1 – 1989 Chevrolet ¾ Ton 4x4 Pickup Truck (In running condition)
1 – 2004 Toro Groundsmaster 4100D 12 foot Mower – Serial #240000176
1 - Dilapidated building previously donated to City located at 315 W. Kingsmill.
MEDIA RELEASE

Contact: Krissy Scotten, NWS
Jose Garcia, NWS
(806) 335-1421

NOAA / NWS
FOR IMMEDIATE RELEASE
4/24/12

Pampa, Texas Recognized as a StormReady Community

The National Weather Service in Amarillo, Texas would like to recognize Pampa, Texas as a StormReady Community.

StormReady, a voluntary program, is designed to help communities take a proactive approach to the kinds of severe weather that affect their area by improving local hazardous weather operations and heightening public awareness. Communities work with the local National Weather Service office, state, and local emergency managers to become “StormReady”.

The program was started by the National Weather Service Office in Tulsa, OK as an effort to educate residents about storm safety. It is now expanding nationwide in an effort to spread information about severe weather preparedness and what to do when severe weather strikes. Currently, there are almost 1900 StormReady sites across the United States and its territories.

For a county or community to be recognized as “StormReady”, they must meet predetermined criteria as set by National, Regional, and Local StormReady Advisory Boards. The criteria includes things such as a 24-hour Warning Point and/or Emergency Operations Center, placing NOAA Weather Radios in all locally owned government facilities, and maintaining National Weather Service trained spotter networks.

The goal of achieving StormReady status is to increase the chances of local citizens surviving a tornado, hurricane, flash flood, tsunami, or whatever other type of severe weather that threatens their community. “Obviously, tornadoses and severe thunderstorms are the primary focus of the NWS Amarillo StormReady program,” said Krissy Scotten, NWS Warning Coordination Meteorologist. “We hope many other panhandle communities will apply and work towards gaining StormReady recognition just like Pampa, TX.”

For additional information, or to request an application, contact Krissy Scotten at the National Weather Service in Amarillo at 806-335-1121, Kristin.Scotten@noaa.gov, or visit our website at www.weather.gov/ama.
AGENDA ITEM NO. 2

ITEM/PROJECT: EXCUSE COMMISSION ABSENCE

MEETING DATE: May 8, 2012

DESCRIPTION: Excuse the absence of Commissioner John Studebaker from the April 24, 2012 Regular City Commission meeting.

STAFF CONTACT:

FINANCIAL IMPACT:

SOURCE OF FUNDS:

START/COMPLETION SCHEDULE:

RECOMMENDED ACTION: Excuse Commissioner Studebaker’s absence.

BACKGROUND/ADDITIONAL INFORMATION:
AGENDA ITEM NO. 3

ITEM/PROJECT: ORDINANCE NO. 1569 – WIND ENERGY SYSTEM

MEETING DATE: May 8, 2012

DESCRIPTION: Consider adopting on second and final reading Ordinance No. 1569, an Ordinance of the City of Pampa providing for the regulation of construction and operation of wind energy systems.

STAFF CONTACT: Donny Hooper

FINANCIAL IMPACT: N/A

SOURCE OF FUNDS: N/A

START/COMPLETION SCHEDULE: Ordinance effective upon its adoption and publication in the Pampa News.

RECOMMENDED ACTION: Adopt Ordinance No. 1569 on second and final reading.

BACKGROUND/ADDITIONAL INFORMATION: Ordinance attached.
ORDINANCE NO. 1569

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, PROVIDING FOR REGULATION OF CONSTRUCTION AND OPERATION OF WIND ENERGY SYSTEMS, SUBJECT TO REASONABLE RESTRICTIONS; PROVIDING FOR CONSTRUCTION STANDARDS; PROVIDING FOR MAINTENANCE AND ABANDONMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission finds that wind energy is an abundant, renewable and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources; and

WHEREAS, wind energy systems also enhance the reliability and power quality of the power grid, reduce peak power demands and help diversify the State’s energy supply portfolio.

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

Division 1. GENERALLY

Sec. 1 PURPOSE

The purpose of the ordinance is to provide a regulatory scheme for the construction and operation of Wind Energy Systems within the City of Pampa, subject to reasonable restrictions, which will preserve the public health, safety and general welfare while promoting alternative energy.

Sec. 2 DEFINITIONS

Property Line. The boundary line of the area over which the entity applying for a permit has legal control for the purposes of installation of a wind energy system.

Total Height. The highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy System.

Tower. Towers include vertical structures that support the electrical generator or rotor blades.

Wind Energy System. A wind-driven energy conversion system that converts wind energy into electricity through the use of wind energy that drives a wind turbine that is intended for on-site production and consumption of electricity.

Division 2. REGULATIONS

The following regulations apply to all Wind Energy Systems located within City Limits. A Wind Energy System lawfully in existence at the time of the enactment of this section shall not be required to meet the
requirements established herein. Nothing contained in this section is intended to supersede the provisions of any applicable deed restrictions.

Sec. 3 REQUIRED PLANS AND SPECIFICATIONS

In addition to the submittals otherwise required upon making application for a building permit, the application for a building permit for a Wind Energy System must be accompanied by:

(a) A site plan of the proposed Wind Energy System, which shall include:
   (1) A survey or a scaled drawing of the site on which the proposed Wind Energy System will be constructed;
   (2) A plan view layout of the proposed Wind Energy System clearly showing:
      (i) The location of the System in respect to the property on which the System will be built;
      (ii) All components of the System; the distance of the System to property lines; required setbacks; existing structures on the site; and natural features such as watercourses and trees;
   (3) Elevation drawings that include:
      (i) The design and height of the proposed Wind Energy System;
      (ii) Detailed drawings of all System components;
      (iii) Screening requirements; and
   (4) A line drawing of the electrical components of the System in sufficient detail to allow for a determination that the manner of installation conforms with the edition of the National Electrical Code in effect at the time of construction;

(b) Standard installation drawings of the wind turbine structure, including the tower, base, and footings, if any.

(c) If the System is mounted on a tower, either an engineering analysis of the tower or a copy of the manufacturing specifications demonstrating compliance of the System with the edition of the International Residential Code in effect at the time of construction. An engineering analysis shall be certified by a licensed professional engineer registered in the State of Texas. Engineering analysis and manufacturing specifications shall meet or exceed climatic and geographic design criteria appropriate for the City of Pampa.

(d) Evidence of a notice to the electric utility company as required by Section 14 below.

Sec. 4 CONSTRUCTION STANDARDS

A Wind Energy System shall be installed according to the manufacturer’s recommendations or under the seal of a professional engineer registered by the State of Texas.

Sec. 5 MAXIMUM HEIGHT

Subject to the height limitations imposed by the setback requirements proscribed in Section 8, below, including roof-mounted installations, the maximum height of the System shall not exceed 40 feet from ground level to the topmost portion of the System inclusive of the turbine and blades. For horizontally mounted (vertically-spinning) turbines, the measurement of maximum height shall be made by measuring to the center of the turbine shaft and then adding the length of a blade. Additionally, no System when installed shall exceed the height recommended by the manufacturer or the distributor of the System. Roof-mounted systems shall be measured to the lowest adjacent grade of the building on which the system is mounted.
Sec. 6  WIND ENERGY SYSTEMS EXCEEDING 40 FEET IN TOTAL HEIGHT

Application for a Specific Use Permit shall be made for any proposed Wind Energy System exceeding 40 feet in total height. Specific Use Permit granted shall be subject to height limitations imposed by the setback requirements proscribed in Section 8.

Sec. 7  CLIMBABILITY

Wind Energy System towers shall not be climbable up to 15 feet above ground level.

Sec. 8  LOCATION AND SETBACK

A tower-mounted Wind Energy System shall be anchored only in the rear yard of the lot on which the System is located. No part of a Wind Energy System, including blades or guy wire anchors, may protrude across a property line. A system may not be located less than 1.1 times its total height from the nearest property line.

No individual Wind Energy System shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link’s operation.

No individual Wind Energy System shall be installed in any location where its proximity with fixed broadcast, retransmission or reception antenna for radio, television or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception.

Sec. 9  PRIMARY STRUCTURE REQUIRED

A Wind Energy System may exist only as a secondary use. A Wind Energy System may not be erected on a lot until a primary structure has been constructed.

Sec. 10  SOUND LEVELS

Sound levels produced by the operation of a Wind Energy System shall not exceed 60 dBA, measured at the nearest property line.

Sec. 11  LIGHTING

All lighting not required by Federal Aviation Administration (“FAA”) regulation is prohibited not including, however, operational lighting installed by the manufacturer of the system as original equipment.

Upward lighting, flood lights or other lighting not strictly required by the FAA is prohibited.
Sec. 12 SIGNS

No advertising or other signs shall be placed on a Wind Energy System.

Sec. 13 PROHIBITED IN EASEMENTS

No portion of a Wind Energy System shall be located in, on or across a public easement unless authorized by the easement holder.

Sec. 14 NOTICE TO UTILITY COMPANY ON GRID-INTERCONNECTED SYSTEMS

No grid-interconnected Wind Energy System shall be installed until evidence has been provided to the City that the appropriate electric power provider has been informed of the customer’s intent to install a grid-connected customer owned Wind Energy System and that the customer’s system meets the utility’s approved specifications for interconnection.

Off-grid systems are exempt from this requirement.

Sec. 15 STATE OR FEDERAL REQUIREMENTS

A Wind Energy System shall 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 owner of the Wind Energy System shall bring such Wind Energy System into compliance with those 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.

Sec. 16 MAINTENANCE AND ABANDONMENT

(a) A Wind Energy System shall be maintained at all times according to the manufacture’s specifications.

(b) A Wind Energy System that has become unstable, leans significantly out-of-plumb, or that poses a danger of collapse shall be removed or brought into repair within 60 days following notice by the Building Official to the owner of the lot upon which the System is located. The Building Official may order immediate repairs in the event of imminent collapse. Failure to make the required repairs within the time provided is an offense in accordance with Section 17 below.

(c) If the owner of a Wind Energy System plans to abandon or discontinue, or is required to discontinue, the operation of the System, the owner shall notify the Building Official by certified U. S. mail of the proposed date of abandonment or discontinuation. Such notice shall be given no less than 30 days prior to abandonment or discontinuation.

(i) In the event that an owner fails to give such notice, the Wind Energy System shall be considered abandoned if the Wind Energy System is not operated for a continuous period of six (6) months.
(ii) Upon abandonment or discontinuation of use, the property owner shall physically remove the Wind Energy System within 90 days from the date of abandonment or discontinuation of use. “Physically remove” includes, without limitation, the actual, complete removal of the tower, turbine and all other components of the Wind Energy System from the site of the original installation.

Sec. 17 PENALTY

A violation of any provision of this Ordinance shall be punishable in accordance with Sec. 1.01.009 of the Code of Ordinances of the City of Pampa, Texas.

Sec. 18 SEVERABILITY

If any section or part of any section, paragraph or clause of this Ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force or effect of any other section or sections, part of section, paragraph or clause of the Ordinance.

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 24th day of April, 2012.

INTRODUCED, PASSED and APPROVED on its second and final reading this____ day of May, 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. 1570 – BUDGET AMENDMENT FOR 2012 SEAL COAT PROJECT.

MEETING DATE: May 8, 2012

DESCRIPTION: Consider approving on first reading Ordinance No. 1570, an Ordinance of the City of Pampa amending the revenues and appropriations for the support of the City of Pampa for the fiscal year beginning October 1, 2011 and ending September 30, 2012. This amendment is to increase the 2012 Seal Coat Project.

STAFF CONTACT: Donny Hooper
Jildardo Arias

FINANCIAL IMPACT: $100,000.00

SOURCE OF FUNDS: Excess Sales Tax Revenue - Operating Budget

START/COMPLETION SCHEDULE: Budget amendment effective after Ordinance is adopted on second reading.

RECOMMENDED ACTION: Approve Ordinance No. 1570 on first reading.

BACKGROUND/ADDITIONAL INFORMATION: Ordinance attached.
ORDINANCE NO. 1570


BE IT ORDAINED BY THE CITY OF PAMPA, TEXAS:

That the funds listed below are amended from the original revenues to the amended revenues as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Original Budget</th>
<th>Current Revised Budget</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-General</td>
<td>$11,604,532</td>
<td>$11,608,432</td>
<td>$11,708,432</td>
</tr>
</tbody>
</table>

That the funds listed below are amended from the original appropriations to the amended appropriations as follows:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Original Budget</th>
<th>Current Revised Budget</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-General</td>
<td>$11,904,020</td>
<td>$11,938,264</td>
<td>12,038,264</td>
</tr>
</tbody>
</table>

INTRODUCED, PASSED AND APPROVED on its first reading this the 8th day of May, 2012.

READ, APPROVED AND ADOPTED on its second and final reading this the ____ day of May, 2012.

CITY OF PAMPA

By: ____________________________
    Brad Pingel, Mayor

ATTEST:

______________________________
Karen L. Price, City Secretary

APPROVED AS TO FORM:

______________________________
Leland W. Waters, City Attorney
### AGENDA ITEM NO. 5

**ITEM/PROJECT:**  
RESOLUTION NO. R12-007 – ATMOS REQUESTED RATE CHANGE

**MEETING DATE:**  
May 8, 2012

**DESCRIPTION:**  
Consider adopting Resolution No. R12-007, a Resolution of the City of Pampa denying Atmos Energy Corporation’s requested rate change.

**STAFF CONTACT:**  
Richard Morris

**FINANCIAL IMPACT:**  
N/A

**SOURCE OF FUNDS:**  
N/A

**START/COMPLETION SCHEDULE:**  
Resolution effective after adoption.

**RECOMMENDED ACTION:**  
Adopt Resolution No. R12-007.

**BACKGROUND/ADDITIONAL INFORMATION:**  
Resolution attached.
RESOLUTION NO. R12-007

RESOLUTION OF THE CITY OF PAMPA DENYING ATMOS ENERGY CORP., WEST TEXAS DIVISION’S (“ATMOS WEST TEXAS”) REQUESTED RATE CHANGE; REQUIRING THE COMPANY TO REIMBURSE THE CITY’S REASONABLE RATEMAKING EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND THE CITY’S LEGAL COUNSEL.

WHEREAS, the City of Pampa, Texas (“City”) is a gas utility customer of Atmos Energy Corp., West Texas Division (“Atmos West Texas” or “Company”), and is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) and under Chapter 104, §104.001 et seq. of GURA, has exclusive original jurisdiction over Atmos West Texas’ rates, operations, and services within the City; and

WHEREAS, the City is a member of the Steering Committee of Cities Served by Atmos West Texas (“Cities”), a coalition of similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting rates charged in Atmos Energy Corporation’s West Texas Division; and

WHEREAS, pursuant to the terms of the agreement settling the Company’s 2007 request to increase rates under the Gas Reliability Infrastructure Program (“GRIP”) process, Cities and the Company worked collectively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process controlled in a three-year experiment by Cities as a substitute to the current GRIP process instituted by the Legislature; and

WHEREAS, Cities and the Company agreed to extend the RRM process in reaching a settlement in 2010 on the third RRM filing; and

WHEREAS, on or about February 7, 2012, the Company filed a Statement of Intent with the cities retaining original jurisdiction within its West Texas service division to increase rates by approximately $11.6 million; and

WHEREAS, Atmos West Texas proposed March 13, 2012, as the effective date for its requested increase in rates; and

WHEREAS, the City suspended the effective date of Atmos West Texas’ proposed rate increase for the maximum period allowed by law and thus extended the City’s jurisdiction until June 11, 2012; and
WHEREAS, the Cities’ Executive Committee hired and directed legal counsel and consultants to prepare a common response to the Company’s requested rate increase and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, Cities’ consultants conducted a review of the Company’s requested rate increase and found justification that the Company’s rates should be decreased; and

WHEREAS, Cities hope to achieve settlement with the Company that perpetuates the RRM process prior to the expiration of City jurisdiction; and

WHEREAS, if Cities and the Company are unable to reach agreement prior to June 11, 2012, the Company may impose its proposed rates; and

WHEREAS, the Executive Committee for the Cities recommends denial of the Company’s proposed rate increase in order to continue settlement discussions pending the Company’s appeal of Cities’ denials to the Railroad Commission of Texas; and

WHEREAS, the GURA § 103.022 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PAMPA, TEXAS:

1. That the rates proposed by Atmos West Texas to be recovered through its gas rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

2. That the Company shall continue to charge its existing rates to customers within the City and that said existing rates are reasonable.

3. That the City’s reasonable rate case expenses shall be reimbursed by the Company.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Atmos West Texas, care of Jeffrey Foley, Vice-President, Rates and Regulatory Affairs, at Atmos Energy Corporation, West Texas Division, 5110 80th Street, Lubbock, Texas 79424, and to Geoffrey Gay, General Counsel to Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P. O. Box 1725, Austin, Texas 78767-1725.
PASSED, APPROVED and ADOPTED this 8th day of May, 2012.

CITY OF PAMPA

Brad Pingel, Mayor

ATTEST:

Karen L. Price, City Secretary

APPROVED AS TO FORM:

Leland W. Waters, City Attorney
MEMORANDUM

TO: Steering Committee of Cities Served by Atmos West Texas

FROM: Geoffrey M. Gay
Eileen McPhee

DATE: May 1, 2012

RE: Denial Resolution For Atmos West Texas’ Requested Rate Increase

Background on Atmos West Texas Rate Case

On February 7, 2012, Atmos Energy Corporation, West Texas Division (“Atmos West Texas” or “Company”) filed with the members of Steering Committee of Cities Served by Atmos West Texas (“Steering Committee” or “Cities”) that exercise original jurisdiction over the Company’s rates, a request for a system-wide (i.e., including Amarillo and Lubbock) rate increase by approximately $11.6 million. Cities passed resolutions suspending the effective date of the proposed increase to allow Cities’ attorneys and consultants to study the request. A summary of the consultants’ findings is attached as Exhibit A. Scheduling difficulties have precluded representatives of the Company, Amarillo, Lubbock, and the Steering Committee from meeting to discuss settlement.

Timing of City Action

Cities with original jurisdiction suspended the proposed effective date of March 13, 2012, extending city jurisdiction until June 11, 2012. Cities and the Company have a mutual hope of achieving settlement that resolves the pending rate case and extends the Rate Review Mechanism (“RRM”) process. However, it does not appear that settlement can be achieved within a time frame that would allow the Cities to take final action prior to June 11, 2012. Thus, the Cities’ Executive Committee recommends passage of a denial resolution. Such action will result in the Company appealing to the Railroad Commission but does not preclude a subsequent settlement. If settlement is achieved, the Steering Committee will return to member cities with a request for approval of the settlement.
Recommendation and Explanation of Denial Resolution

The Cities’ Executive Committee recommends the Cities pass resolutions denying Atmos West Texas’ proposed rate increase. The denial resolution will prevent the Company’s proposed rate increase from automatically taking effect on June 11, 2012, and allow more time to engage in settlement discussions. Please contact Geoffrey Gay if you have any questions or concerns.
MODEL STAFF REPORT SUPPORTING RESOLUTION DENYING ATMOS WEST TEXAS’ PROPOSED RATE INCREASE

The City, along with other cities served by Atmos Energy Corp., West Texas Division (“Atmos West Texas” or “Company”), is a member of the Steering Committee of Cities Served by Atmos West Texas (“Cities”). On or about February 7, 2012, Atmos West Texas filed with the City a Statement of Intent to increase rates within the City.

Background

The City is within the Atmos West Texas Division. In 2003, the Texas Legislature passed legislation referred to as the Gas Reliability Infrastructure Program (“GRIP”) which authorized annual piecemeal rate reviews that Texas courts have concluded significantly restrict city jurisdiction, participation, and input.

As part of Cities’ Settlement Agreement with Atmos West Texas of the Company’s 2007 GRIP case, Cities and the Company created a substitute process for annual piecemeal GRIP cases. That substitute process was called a Rate Review Mechanism (“RRM”) and was intended as an expedited but comprehensive rate review that included a number of fixed values and constraints. The RRM was intended as a three-year experiment. In the third year, the RRM was extended for a fourth year with some slight modifications to the original formulas. The Company has expressed a desire to reach a settlement of the February 7, 2012 filing that includes a revised RRM process.

Discussion and Purpose

Atmos West Texas filed a Statement of Intent on February 7, 2012, seeking to increase system-wide base rates (which exclude the cost of gas) by approximately $11.6 million or 5.76%. Additionally, the Company has proposed an optional Rate Parity Tariff. This tariff would transition the entire West Texas Division to one rate, ending the special rate treatments the Company has provided Amarillo and Lubbock ratepayers.

Cities’ Executive Committee engaged attorneys and consultants to review Atmos West Texas’ proposed rate increase. Additionally, Cities issued suspension resolutions earlier this year, extending the effective date of Atmos West Texas’ proposed rate increase to June 11, 2012, in order to permit the Cities time to review Atmos West Texas’ Statement of Intent. During their review, Cities’ consultants found justification that the Company’s rates should be decreased.

Cities are hoping to achieve settlement with the Company in order to perpetuate the RRM process, which is preferential to the statutorily imposed GRIP process. The Cities’ Executive Committee therefore recommends denial of the Company’s proposed rate increase rather than a rate decrease in order to facilitate settlement discussions. The resolution prevents the Company from imposing its proposed rates upon the loss of City jurisdiction. The Cities and the Company are hopeful a settlement can be reached while an appeal of Cities’ denial is pending at the Railroad Commission of Texas. Should a settlement be reached, the City may be required to pass an ordinance setting new rates pursuant to the settlement.
The purpose of the resolution is to deny Atmos West Texas’ proposed rate increase pending further settlement discussions and to prevent the Company’s proposed rate increase from taking effect on June 11, 2012.

**Explanation of “Be It Resolved Paragraphs”**

Section 1. The paragraph denies the Company’s proposed rate increase.

Section 2. This provision provides that the Company shall continue to charge its existing rates to its customers within the City.

Section 3. By law, the Company must reimburse the Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will present their invoices to the City of Midland which will then seek reimbursement from Atmos West Texas. The City will not incur liability for payment of rate case expenses by adopting a denial resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the resolution was properly noticed.

Section 5. This section provides that both Atmos West Texas’ designated representative and counsel for Cities will be notified of the City’s action by sending a copy of the approved and signed resolution to certain designated individuals.

**Recommendation**

The City Staff recommends adoption of the resolution denying Atmos West Texas’ proposed rate increase.
AGENDA ITEM NO. 6

ITEM/PROJECT: RESOLUTION NO. R12-008 – PEDC GRANT TO GRAY COUNTY 4-H CLUB

MEETING DATE: May 8, 2012

DESCRIPTION: Consider approving on first reading Resolution No. R12-008, a Resolution of the City of Pampa approving an economic development grant in the amount of $25,000.00 to the Gray County 4-H Club from the Pampa Economic Development Corporation.

STAFF CONTACT: Clay Rice

FINANCIAL IMPACT: $25,000.00

SOURCE OF FUNDS: PEDC Operating Budget

START/COMPLETION SCHEDULE: Resolution effective after adoption and public hearing held by PEDC.

RECOMMENDED ACTION: Approve Resolution No. R12-008 on first reading.

BACKGROUND/ADDITIONAL INFORMATION: Resolution attached.
RESOLUTION NO. R12-008

A RESOLUTION APPROVING A GRANT BY THE PAMPA ECONOMIC DEVELOPMENT CORPORATION TO GRAY COUNTY 4-H FOR CONSTRUCTION IMPROVEMENTS TO THE LIVESTOCK BARN OWNED BY THE CITY OF PAMPA

WHEREAS, the Pampa Economic Development Corporation ("Pampa EDC") has presented a request to grant $25,000 to Gray County 4-H, an unincorporated association for the constructing improvements to the livestock barn owned by the City of Pampa, known as the “Hereford Breeders’ Barn;”

AND WHEREAS, the Pampa EDC will hold a public hearing on May 17, 2012;

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

That the grant of $25,000 by the Pampa EDC to Gray County 4-H for construction improvements to the livestock barn owned by the City of Pampa be and it is hereby APPROVED.

INTRODUCED, READ and APPROVED on its first reading this the 8th day of May, 2012.

READ and ADOPTED on its second and final reading on this the _____ day of May, 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. 7

ITEM/PROJECT: APPOINT ALTERNATE ELECTION JUDGE

MEETING DATE: May 8, 2012

DESCRIPTION: Consider appointing an Alternate Election Judge for the May 12, 2012 City of Pampa General, Special and Bond Elections.

STAFF CONTACT: Karen Price

FINANCIAL IMPACT: Judges are paid $10.00 per hour. They average 15 hours on Election Day plus 3-5 hours for training.

SOURCE OF FUNDS: Operating Budget

START/COMPLETION SCHEDULE: Appointment effective for May 12, 2012 Elections only.

RECOMMENDED ACTION: Appoint recommended Alternate Election Judge.

BACKGROUND/ADDITIONAL INFORMATION: Information attached.
Memo

To: The Honorable Mayor and Commission
From: Karen Price, City Secretary
Date: 5/4/2012
Re: Alternate Election Judge

Ora Mae Hedrick was originally appointed as Alternate Election Judge for the May 12, 2012 elections. Mrs. Hedrick will not be able to serve because of a personal conflict.

I would like to recommend Marilyn Lewis (listed below) as Alternate Election Judge. She is an experienced election judge with 15 plus years of experiences.

Appointment of Mrs. Lewis as Alternated Judge is for the May 12, 2012 Elections only.

I will be happy to answer any questions you may have concerning these appointments.

Marilyn Lewis, Alternate Election Judge
1828 N. Dwight
Pampa, TX 79065
NOTIFICATION OF APPOINTMENT AS ALTERNATE ELECTION JUDGE

To: Marilyn Lewis
1828 N. Dwight
Pampa, Texas 79065
(806) 669-7290

Notice is hereby given that you have been appointed Alternate Election Judge for the City of Pampa’s General, Special and Bond Elections.

Your appointment is for a single election to be held May 12, 2012 at the M.K. Brown Auditorium.

The Presiding Election Judge appointed by the City Commission of the political subdivision to serve with you is:

Nell Bailey
1201 S. Hobart
Pampa, TX 79065
(806) 665-2290

CITY OF PAMPA, TEXAS

By: ________________________
Brad Pingel, Mayor