Regular Meeting of the:

Pampa City Commission
November 12, 2013
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, NOVEMBER 12, 2013 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.

**AUTHORIZATIONS BY CITY COMMISSION:**

1. Consider approving the minutes of the October 22, 2013 regular City Commission Meeting as presented.

2. Consider adopting on second and final reading Ordinance No. 1609, an Ordinance of the City of Pampa, Texas adopting regulations designed to minimize flood losses.

3. Consider approving on first reading Ordinance No. 1610, an Ordinance of the City of Pampa, Texas amending the fees that are to be charged and collected for the tapping of the City's water mains.

4. Consider adopting Resolution No. R13-016, a Resolution of the City of Pampa, Texas suspending the effective date of ATMOS Energy Corporations requested rate change.
5. Consider approving on first reading Resolution No. R13-017, a Resolution of the City of Pampa approving a grant from the Pampa Economic Development Corporation to the Las Pampas Square LLC in the amount of $670,000.00.

6. Consider approving on first reading Resolution No. R13-018, a Resolution of the City of Pampa approving a grant from the Pampa Economic Development Corporation to Pampa Energy Center, LLC in the amount of $1,500,000.00.

7. Consider casting the voting entitlement of 543 votes for nominee(s) to the Gray County Appraisal District Board of Directors.

8. 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 attached.

   a. Consider awarding a bid in the amount of $350.00 from Perfecto Martinez for delinquent tax property located at Lots 21 & 22, Block 2, Cohen Second Addition, commonly known as 420 W. Crawford.

   b. Consider awarding a bid in the amount of 350.00 from Perfecto Martinez for delinquent tax property located at Lots 5 & 6, Block 1, Brooks Lightfoot Addition, commonly known as 716 and 712 Somerville.

   c. Consider awarding a bid in the amount of $300.00 from Doris Britt for delinquent tax property located at Lot 26, Block 9, Prairie Village Addition, commonly known as 1037 Huff.

   d. Consider awarding a bid in the amount of $500.00 from Maria Davila Ramirez for delinquent tax property located at Lot 5, Block 2, Crow Addition, commonly known as 217 N. Nelson.

   e. Consider awarding a bid in the amount of $300.57 from Steve & Alicia Snelgrooves for delinquent tax property located at Lot 4 & W 12½ of Lot 3 & E 12½ of Lot 5, Block 1, Wood Addition, commonly known as 224 Thut.

   f. Consider awarding a bid in the amount of $350.00 from Perfecto Martinez for delinquent tax property located at Lots 25 & 26, Block 2, Cohen Addition, commonly known as 416 Crawford.

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, NOVEMBER 8, 2013 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: _______________________________________________________________________________
ITEM/PROJECT: MINUTES

MEETING DATE: NOVEMBER 12, 2013

DESCRIPTION: Consider approving the minutes of the October 22, 2013 regular City Commission Meeting as presented.

STAFF CONTACT: Karen Price

FINANCIAL IMPACT:

SOURCE OF FUNDS:

START/COMPLETION SCHEDULE:

RECOMMENDED ACTION:

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

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

ABSENT: None

STAFF: Richard Morris City Manager
Leland Waters City Attorney
Shane Stokes Asst. City Manager
Karen Price City Secretary
Robin Bailey Finance Director
Donny Hooper Public Works Director
Kelly Rushing Chief of Police
Gayla Pickens Asst. Finance Director
Kevin Webb IT Managers
Dean Bliss Parks/Streets Supervisor

VISITORS: Paul Nachtigall Highland Baptist Church
Toni White UPS
Alan Price Pampa EMS

NEWS MEDIA: Tim Howsare Pampa News
Mike Ehrle KGRO Radio

INVOCATION: Paul Nachtigall Highland Baptist Church

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PUBLIC COMMENTS: NONE

UPDATE:

► Pampa Emergency Medical Services – Alan Price

AUTHORIZATIONS BY COMMISSION:

13-162

1. Consider approving the minutes of the October 8, 2013 regular City Commission Meeting as presented.

A motion was made by Commissioner Studebaker and Seconded by Commissioner Dixon to approve the minutes of the October 8, 2013 regular City Commission Meeting as presented, with each Commission Member voting AYE, the motion carried.

13-163

2. Excuse the absence of Commissioner Karen McLain from the October 8, 2013 regular City Commission Meeting.
A motion was made by Commissioner Dixon and Seconded by Commissioner Studebaker to excuse the absence of Commissioner Karen McLain from the October 8, 2013 regular City Commission Meeting, with each Commission Member voting AYE, the motion carried.

13-164

3. Consider adopting on second and final reading Ordinance No. 1608, an Ordinance of the City of Pampa providing for limited operation of Golf Carts on public streets.

ORDINANCE NO. 1608

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, PROVIDING THAT IT’S CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 12 TRAFFIC AND VEHICLES, TO PROVIDE FOR LIMITED OPERATION OF GOLF CARTS ON PUBLIC STREETS FOR HOLIDAY PARCEL DELIVERY, PROVIDING FOR A PENALTY FOR VIOLATION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Dixon and Seconded by Commissioner McLain to adopt on second and final reading Ordinance No. 1608, an Ordinance of the City of Pampa providing for limited operation of Golf Carts on public streets, with each Commission Member voting AYE, the motion carried.

13-165

4. Consider approving on first reading Ordinance No. 1609, an Ordinance of the City of Pampa, Texas adopting regulations designed to minimize flood losses.

ORDINANCE NO. 1609

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED IN ORDER TO MINIMIZE FLOOD LOSSES, BY AMENDING IN ITS ENTIRETY ARTICLE 3.11 FLOOD DAMAGE PREVENTION, PROVIDING FOR A PENALTY FOR VIOLATION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Porter and Seconded by Commissioner Studebaker to approve on first reading Ordinance No. 1609, an Ordinance of the City of Pampa, Texas adopting regulations designed to minimize flood losses, with each Commission Member voting AYE, the motion carried.

13-166

5. Consider approving an amendment to “Attachment A” of the Contract for Emergency Medical Services between the City of Pampa and Emergency Services Foundation of Texas, Inc.

A motion was made by Commissioner McLain and Seconded by Commissioner Studebaker to approve an amendment to “Attachment A” of the Contract for Emergency Medical Services between the City of Pampa and Emergency Services Foundation of Texas, Inc., with each Commission Member the motion carried.
6. Consider approving the List of Disbursements dated September 2013.

A motion was made by Commissioner McLain and Seconded by Commissioner Dixon to approve the List of Disbursements dated September 30, 2013, with total Disbursements being $2,590,667.15 and the amount after balance sheet and income accounts being $1,908,642.60, with each Commission Member voting AYE, the motion carried.

**ADJOURNMENT**

There being no further business on the agenda, the meeting was adjourned at 4:24 p.m. by Mayor Pingel.

Karen L. Price, City Secretary Brad Pingel, Mayor
## CITY OF PAMPA
### AGENDA INFORMATION SHEET

### AGENDA ITEM NO. 2

<table>
<thead>
<tr>
<th>ITEM/PROJECT:</th>
<th>ORDINANCE NO. 1609 – FLOOD DAMAGE PREVENTION</th>
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</thead>
<tbody>
<tr>
<td>MEETING DATE:</td>
<td>NOVEMBER 12, 2013</td>
</tr>
<tr>
<td>DESCRIPTION:</td>
<td>Consider adopting on second and final reading Ordinance No. 1609, an Ordinance of the City of pampa, Texas adopting regulations designed to minimize flood losses.</td>
</tr>
<tr>
<td>STAFF CONTACT:</td>
<td>Donny Hooper Jil Arias</td>
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<tr>
<td>FINANCIAL IMPACT:</td>
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<td>SOURCE OF FUNDS:</td>
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<tr>
<td>START/COMPLETION</td>
<td>This Ordinance shall be effective upon its adoption and shall be enforceable ten (10) days after its publication as provided by law.</td>
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<td>SCHEDULE:</td>
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<tr>
<td>RECOMMENDED ACTION:</td>
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<tr>
<td>BACKGROUND/ADDITIONAL INFORMATION:</td>
<td>Ordinance No. 1609 attached.</td>
</tr>
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</table>
AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED IN ORDER TO MINIMIZE FLOOD LOSSES, BY AMENDING IN ITS ENTIRETY ARTICLE 3.11 FLOOD DAMAGE PREVENTION, PROVIDING FOR A PENALTY FOR VIOLATION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAMPA, TEXAS:

Section 1.

That Article 3.11 of the Code of Ordinances of the City of Pampa be amended in its entirety so that such Article 3.11 shall read as follows.

Section 2.

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Commission of the City of Pampa, Texas does ordain as follows.

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of the City of Pampa are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;
(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.
ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTEENANT STRUCTURE – means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

AREA OF FUTURE CONDITIONS FLOOD HAZARD – means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHB). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING – means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

   (1) the overflow of inland or tidal waters.
   (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY – means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – see Flood Elevation Study
FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY – see Regulatory Floodway

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior;
or;

(b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date
of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE** - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOODWAY** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**RIVERINE** – means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SPECIAL FLOOD HAZARD AREA** – see *Area of Special Flood Hazard*

**START OF CONSTRUCTION** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE – means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The Ordinance shall apply to all areas of special flood hazard with the jurisdiction of the City of Pampa.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, “The Flood Insurance Study (FIS) for Gray County, Texas and Incorporated Areas," dated November 4, 2010, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM)
dated November 4, 2010 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR
The City Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

2. Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

3. Review, approve or deny all applications for development permits required by adoption of this ordinance.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.

SECTION C. PERMIT PROCEDURES

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4, Section (B)(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;
(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION D. VARIANCE PROCEDURES

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C
(2) of this Article have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS
In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), excluding garage, elevated to or above one (1) foot above the base flood elevation as established by the FIRM of FEMA or peak water surface elevation data available from a Federal, State or other source. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above one (1) foot above the base flood level as established
by the FIRM of FEMA or peak water surface elevation data available from a Federal, State or other source, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above one (1) foot above the base flood elevation as established by the FIRM of FEMA or peak water surface elevation data available.
from a Federal, State or other source and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

2. All new construction and substantial improvements of non-residential structures;

   (a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

   (b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
SECTION E. SEVERABILITY

It is the intention of the City Commission that the sections, paragraphs, sentences, clauses, phrases and words of Ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this Ordinance 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 Ordinance since the same would have been enacted by the City Commission without the incorporation therein of any such unconstitutional or invalid portion.

SECTION F. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance, upon conviction, shall be fined in accordance with the general penalty provision found in Section 1.01.009 of the Code of Ordinances of the City of Pampa. Nothing herein contained shall prevent the City of Pampa from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 3.

EFFECTIVE DATE
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 22nd day of October, 2013.

INTRODUCED, PASSED and APPROVED on its second and final reading this 12th day of November, 2013.

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. 3

ITEM/PROJECT: ORDINANCE NO. 1610 – TAPPING FEES

MEETING DATE: NOVEMBER 12, 2013

DESCRIPTION: Consider approving on first reading Ordinance No. 1610, an Ordinance of the City of Pampa amending the fees that are to be charged and collected for the tapping of the City’s water mains.

STAFF CONTACT: Donny Hooper

FINANCIAL IMPACT:

SOURCE OF FUNDS:

START/COMPLETION SCHEDULE: This Ordinance will be effective January 1, 2014.

RECOMMENDED ACTION:

BACKGROUND/ADDITIONAL INFORMATION: Ordinance No. 1610 attached.
ORDINANCE NO. 1610

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF PAMPA, TEXAS, BE AMENDED BY REVISING SECTIONS 13.02.037 OF SAID CODE PROVIDING FOR THE MONTHLY RATES TO BE CHARGED FOR WATER WITHIN AND OUTSIDE THE CITY LIMITS, RESPECTIVELY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF PAMPA, TEXAS:

Section 1.

That Section 13.02.037 of the Code of Ordinances of the City of Pampa be amended so that such section shall read as follows:

“(a) The following fees are hereby established to be charged and collected for tapping the water mains of the city to provide water service connections:

<table>
<thead>
<tr>
<th>Tap Size</th>
<th>Fee</th>
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<tbody>
<tr>
<td>¾-inch tap</td>
<td>$600.00</td>
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<tr>
<td>1½-inch tap</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>2-inch tap or larger</td>
<td>NO CHARGE</td>
</tr>
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</table>

Section 2.

The rates provided for under this Ordinance shall become effective on the first billing date after January 1, 2014. Nothing in this Ordinance, however, shall be construed to repeal or affect the rates currently in effect to the effective date of this Ordinance for charges which will be billed on the billing date as hereinabove provided. Further, nothing in this Ordinance shall affect the City’s rights and remedies to enforce any rates in effect prior to the passage of this Ordinance.

Section 3.

This Ordinance shall be effective upon its final passage and rates will become effective as provided above.

PASSED AND APPROVED on its first reading this 12th day of November 2013.

PASSED AND APPROVED on its second and final reading this _____day of November 2013.
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: RESOLUTION NO. R13-016 – ATMOS ENERGY

MEETING DATE: NOVEMBER 12, 2013

DESCRIPTION: Consider adopting Resolution No. R13-016, a Resolution of the City of Pampa, Texas suspending the effective date of ATMOS Energy Corporations requested rate change.

STAFF CONTACT: Richard Morris

FINANCIAL IMPACT: 

SOURCE OF FUNDS: 

START/COMPLETION SCHEDULE: Resolution effective upon Commission approval.

RECOMMENDED ACTION: 

BACKGROUND/ADDITIONAL INFORMATION: Resolution No. R13-016 attached.
RESOLUTION NO. R13-016

RESOLUTION OF THE CITY OF PAMPA, TEXAS, SUSPENDING THE NOVEMBER 22, 2013, EFFECTIVE DATE OF ATMOS ENERGY CORP., WEST TEXAS DIVISION ("ATMOS WEST TEXAS") REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS ("CITIES") TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES’ RATE CASE 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 CITIES’ LEGAL COUNSEL.

WHEREAS, on or about October 18, 2013, Atmos Energy Corp., West Texas Division ("Atmos West Texas" or "Company"), pursuant to Gas Utility Regulatory Act § 104.102 filed with the City of Pampa, Texas ("City") a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within its West Texas Division service area, effective November 22, 2013; and

WHEREAS, the City 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, in order to maximize the efficient use of resources and expertise, it is reasonable for the City to maintain its involvement in the Steering Committee of Cities Served by Atmos West Texas ("Cities") and to cooperate with similarly situated cities in conducting a review of the Company’s application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, Atmos West Texas proposed November 22, 2013, as the effective date for its requested increase in rates; and

WHEREAS, it is not possible for the City to complete its review of Atmos West Texas’ filing by November 22, 2013; and

WHEREAS, the City will need an adequate amount of time to review and evaluate Atmos West Texas’ rate application to enable the City to adopt a final decision as a local regulatory authority with regard to Atmos West Texas’ requested rate increase; and

WHEREAS, the Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and
WHEREAS, the Gas Utility Regulatory Act § 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 November 22, 2013, effective date of the rate request submitted by Atmos West Texas on October 18, 2013, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. That the City is authorized to cooperate with the Steering Committee of Cities Served by Atmos West Texas and its member cities in the West Texas service area and under the direction of the Steering Committee’s Executive Committee to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Railroad Commission.

3. That the City’s reasonable rate case expenses shall be reimbursed by Atmos West Texas.

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, care of Mr. Jeffrey Foley, Vice President, Rates and Regulatory Affairs, 5110 80th Street, P.O. Box 1121, Lubbock, Texas 79408-1121, and to Geoffrey Gay, General Counsel to Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 12th day of November, 2013.

CITY OF PAMPA, TEXAS

_________________________________
Brad Pingel, Mayor

ATTEST:

_________________________________
Karen L. Price, City Secretary

APPROVED AS TO FORM:

_________________________________
Leland W. Waters, City Attorney
<table>
<thead>
<tr>
<th>ITEM/PROJECT:</th>
<th>RESOLUTION NO. R13-017 – PEDC GRANT TO LAS PAMPAS SQUARE</th>
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<tr>
<td>MEETING DATE:</td>
<td>NOVEMBER 12, 2013</td>
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<tr>
<td>DESCRIPTION:</td>
<td>Consider approving on first reading Resolution No. R13-017, a Resolution of the City of Pampa approving a grant from the Pampa Economic Development Corporation to the Las Pampas Square LLC in the amount of $670,000.00.</td>
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<td>STAFF CONTACT:</td>
<td>Clay Rice, PEDC</td>
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<td>FINANCIAL IMPACT:</td>
<td>$670,000.00</td>
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<td>SOURCE OF FUNDS:</td>
<td></td>
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<td>START/COMPLETION SCHEDULE:</td>
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<td>RECOMMENDED ACTION:</td>
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<tr>
<td>BACKGROUND/ADDITIONAL INFORMATION:</td>
<td>Resolution No. R13-017 attached.</td>
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RESOLUTION NO. R13-017

A RESOLUTION APPROVING A GRANT BY THE PAMPA ECONOMIC DEVELOPMENT CORPORATION TO THE LAS PAMPAS SQUARE, LLC FOR CAPITAL IMPROVEMENTS

WHEREAS, the Pampa Economic Development Corporation (“Pampa EDC”) has presented a request to grant $670,000 to the Las Pampas Square, LLC for capital improvements;

AND WHEREAS, the Pampa EDC held a public hearing on October 23, 2013, at which no one spoke in opposition to the grant;

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

That the grant of $670,000 by the Pampa EDC to the Las Pampas Square, LLC for capital improvements, be and it is hereby APPROVED.

INTRODUCED, READ and APPROVED on its first reading this the 12th day of November, 2013.

READ, APPROVED and ADOPTED on its second and final reading on this the 26th day of November, 2013.

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. 6

ITEM/PROJECT:  
RESOLUTION NO. R13-018 – PEDC GRANT TO PAMPA ENERGY CENTER

MEETING DATE:  
NOVEMBER 12, 2013

DESCRIPTION:  
Consider approving on first reading Resolution No. R13-018, a Resolution of the City of Pampa approving a grant from the Pampa Economic Development Corporation to Pampa Energy Center LLC in the amount of $1,500,000.00.

STAFF CONTACT:  
Clay Rice, PEDC

FINANCIAL IMPACT:  
$1,500,000.00

SOURCE OF FUNDS:

START/COMPLETION SCHEDULE:

RECOMMENDED ACTION:

BACKGROUND/ADDITIONAL INFORMATION:
Resolution No. R13-018 attached.
RESOLUTION NO. R13-018

A RESOLUTION APPROVING A GRANT BY THE PAMPA ECONOMIC DEVELOPMENT CORPORATION TO PAMPA ENERGY CENTER, LLC FOR RAIL EXPANSION

WHEREAS, the Pampa Economic Development Corporation ("Pampa EDC") has presented a request to grant $1,500,000 to Pampa Energy Center, LLC for rail expansion;

AND WHEREAS, the Pampa EDC held a public hearing on October 23, 2013, at which no one spoke in opposition to the grant;

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

That the grant of $1,500,000 by the Pampa EDC to Pampa Energy Center, LLC for rail expansion, be and it is hereby APPROVED.

INTRODUCED, READ and APPROVED on its first reading this the 12th day of November, 2013.

READ, APPROVED and ADOPTED on its second and final reading on this the 26th day of November, 2013.

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: VOTING ENTITLEMENT FOR GRAY COUNTY APPRAISAL DISTRICT BOARD

MEETING DATE: NOVEMBER 12, 2013

DESCRIPTION: Consider casting the voting entitlement of 543 votes for nominee(s) to the Gray County Appraisal District Board of Directors.

STAFF CONTACT: Richard Morris

FINANCIAL IMPACT:

SOURCE OF FUNDS:

START/COMPLETION SCHEDULE:

RECOMMENDED ACTION:

BACKGROUND/ADDITIONAL INFORMATION: Ballot attached.
October 29, 2013

The Honorable Mayor Brad Pingle
The City of Pampa
P. O. Box 2499
Pampa, TX 79065

Re: Ballot For Director

Dear Mayor Pingle:

Please consider this correspondence and the outline attached as the official ballot for selecting your Director to the Gray County Appraisal District Board of Directors.

As you will see on the attached sheet, I have constructed a ballot for your use. At this time, the nominees are Mr. Lynn Allison, Mr. Pete Denney, Mr. Jeff Haley, Mr. David Haynes, and Mr. Matt Brock. Please determine your vote and return it to me before November 15, 2013.

Respectfully,

Tyson Paronto, RPA
Chief Appraiser

TP/dka
Enclosures
815 N. Sumner
CITY OF PAMPA, TEXAS

VOTING ENTITLEMENT FOR CITY OF PAMPA – (543)

<table>
<thead>
<tr>
<th>Name</th>
<th>Votes</th>
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<tbody>
<tr>
<td>Lynn Allison</td>
<td></td>
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<tr>
<td>Matt Brock</td>
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<tr>
<td>Peter Denney</td>
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<td>Jeff Haley</td>
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<td>David Haynes</td>
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Authorized Signature
AGENDA ITEM NO. 8

ITEM/PROJECT: CONSENT AGENDA

MEETING DATE: NOVEMBER 12, 2013

DESCRIPTION: 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 attached.

STAFF CONTACT: Cary Rushing

FINANCIAL IMPACT: 

SOURCE OF FUNDS:

START/COMPLETION SCHEDULE: 

RECOMMENDED ACTION: 

BACKGROUND/ADDITIONAL INFORMATION: Delinquent Tax Property bid list attached.
GAYE WHITEHEAD, RTA
TAX ASSESSOR-COLLECTOR
P. O. BOX 382
PAMPA, TEXAS 79066-0382
PHONE (806) 669-8018
   669-8019
   669-8020
FAX  (806) 669-8061

October 25, 2013

City of Pampa
Attn: Karen Price
P.O. BOX 2499
Pampa, Texas  79066-2499

Dear Ms. Price:

On behalf of Gray County, City of Pampa and the Pampa Independent School District, our office has received a bid for the following tax properties described below:

Property Address: 420 W. Crawford
Legal Description: Lots 21 & 22 Blk 2 Cohen Second
Taxes Due: 1,864
Appraisal Value: 2,750
Name of Bidder: Perfecto Martinez
Amount of Bid: 350.00

Property Address: 716 & 712 S Somerville
Legal Description: Lots 5 & 6 Blk 1 Brooks Lightfoot
Taxes Due: 909
Appraisal Value: 1500
Name of Bidder: Perfecto Martinez
Amount of Bid: 350.00

Property Address: 1037 Huff
Legal Description: Lot 26 Blk 9 Prairie Village
Taxes Due: 881
Appraisal Value: 1,120
Name of Bidder: Doris Britt
Amount of Bid: 300.00

Property Address: 217 N Nelson
Legal Description: Lot 5 Blk 2 Crow
Taxes Due: 804
Appraisal Value: 5,050
Name of Bidder: Maria Davila Ramirez
Amount of Bid: 500.00
Property Address: 224 Thut
Legal Description: Lot 4 & W 12 ½’ of Lot 3 & E 12 ½’ of Lot 5 Blk 1 Wood
Taxes Due: 1,184
Appraisal Value: 1,000
Name of Bidder: Steve & Alicia Snelgroes
Amount of Bid: 300.57

Property Address: 416 Crawford
Legal Description: Lots 25 & 26 Blk 2 Cohen Second
Taxes Due: 574
Appraisal Value: 750
Name of Bidder: Perfecto Martinez
Amount of Bid: 350.00

Please notify us in writing of the acceptance of the above bids. The letter can be mailed to the above address or e-mailed to garnet.faires@graycch.com. We will await action by all of the participating entities before proceeding with the sale of this property. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Garnet Faires, Deputy
cc: City of Pampa; Cary Rushing