

**MINUTES OF THE
CITY COMMISSION OF THE CITY OF PAMPA, TEXAS
PUBLIC HEARING/REGULAR MEETING
TUESDAY, MARCH 11, 2014**

CALL TO ORDER: Mayor Pingel at 4:00 p.m.

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

ABSENT: Karen McLain Commissioner

STAFF: Richard Morris City Manager
Shane Stokes Asst. City Manager
Leland Waters City Attorney
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
Jil Arias Engineer
Cary Rushing Code Enforcement
Gary Turley OMI

VISITORS: Paul Nachtigal Highland Baptist Church
Clay Rice PEDC
Lori Byrne Chamber of Commerce
Graham Sample
Ron Nelson

NEWS MEDIA: Mike Ehrle KGRO Radio

INVOCATION: Paul Nachtigall Highland Baptist Church

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE TO TEXAS FLAG

PUBLIC HEARING: The City Commission of the City of Pampa will conduct a Public Hearing for the purpose of hearing public comments concerning the following request: Variance request from Open Range Development LLC in the Edwin Park Subdivision which will result in an amendment to City of Pampa Zoning Ordinance 690. The request is specific to the following blocks and lots for the Edwin Park Re-Plat recorded in Volume 993, Page 798, OPR in the County Deed Records: Block 1, Lots 2 through 10, Block 2, Lots 1 through 8 and Lots 10 through 12, and Block 3, Lots 3 through 9. Section 8.2 Lot Width and Section 8.6 Side Yard of the Code of Ordinances will be amended to reflect Variance request. Public comments on the proposed Variance request will be heard by the City Commission.

14-033

Mayor Pingel opened the Public Hearing for the Variance request at 4:02 p.m. Donny Hooper, Public Works Director and Jildardo Arias, City Engineer gave an overview of the Variance request, its location and the purpose for the request. Mayor Pingel asked if there was anyone present that wanted to speak concerning the Variance request, there being no one, Mayor called for a motion to close the Public Hearing, a Motion was made by Commissioner Dixon and Seconded by Commissioner Studebaker to closed the Public Hearing at 4:06 p.m., with each Commission Member voting AYE, the motion carried.

PUBLIC COMMENTS: NONE

AUTHORIZATIONS BY COMMISSION:

14-034

1. Consider approving the minutes of the February 25, 2014 regular City Commission Meeting as presented.

A motion was made by Commissioner Dixon and Seconded by Commissioner Studebaker to approve the minutes of the February 25, 2014 regular City Commission Meeting as presented, with each Commission Member voting AYE, the motion carried.

14-035

2. Excuse the absence of Commissioners John Studebaker and Chris Porter from the February 25, 2014 regular City Commission Meeting.

A motion was made by Commissioner Dixon and Seconded by Commissioner Studebaker to excuse the absence of Commissioners John Studebaker and Chris Porter from the February 25, 2014 regular City Commission Meeting, with each Commission Member voting AYE, the motion carried.

14-036

3. Consider adopting on second and final reading Ordinance No. 1612, an Ordinance of the City of Pampa granting to Southwestern Public service Company (“SPS”) d/b/a Xcel Energy, the right, privilege and franchise to conduct within the City of Pampa electrical lighting and power business.

ORDINANCE NO. 1612

FRANCHISE AGREEMENT

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, GRANTING TO SOUTHWESTERN PUBLIC SERVICE COMPANY (“SPS”) D/B/A XCEL ENERGY THE RIGHT, PRIVILEGE AND FRANCHISE TO CONDUCT WITHIN THE CITY OF PAMPA, TEXAS, AN ELECTRICAL LIGHTING AND POWER BUSINESS AND TO ENTER UPON, ERECT, CONSTRUCT, MAINTAIN, EXTEND, REPAIR, REPLACE AND REMOVE IN, UNDER, UPON, WITHIN, OVER, ABOVE, ACROSS AND ALONG ANY AND ALL OF THE PRESENT AND FUTURE PUBLIC ROADS, HIGHWAYS, STREETS, LANES, AND ALLEYS OF THE CITY OF PAMPA, A SYSTEM OF POLES, POLE LINES, TOWERS, DISTRIBUTION LINES, TRANSMISSION LINES, WIRES, GUYS, CABLES, CONDUITS, TRANSFORMERS, AND OTHER DISTRIBUTION AND TRANSMISSION EQUIPMENT, FACILITIES AND APPURTENANCES NECESSARY OR PROPER FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY INTO, IN, WITHIN, FROM, ACROSS, AND THROUGH THE CITY OF PAMPA AS NOW EXISTING, OR AS SAID CITY LIMITS MAY HEREAFTER BE EXTENDED; AND GRANTING SPS, ITS SUCCESSORS AND ASSIGNS, THE AUTHORITY TO USE SUCH FOR THE PURPOSE OF TRANSMISSION, DISTRIBUTION, DELIVERY AND SALE OF ELECTRICITY TO THE CITY, AND TO THE INHABITANTS OF THE CITY, OR ANY OTHER PERSON OR PERSONS, FIRMS OR CORPORATIONS, WHEREVER LOCATED WITHIN OR WITHOUT THE CITY LIMITS OF PAMPA, FOR USE BY SUCH PURCHASER OR PURCHASERS FOR ANY PURPOSE AUTHORIZED BY LAW FOR WHICH ELECTRICITY MAY BE USED OR FOR ANY OTHER PURPOSE OR USE WHICH IS OR MAY BECOME NORMAL OR CUSTOMARY IN THE RETAIL ELECTRIC INDUSTRY IN TEXAS; PROVIDING THAT THIS FRANCHISE SHALL BE EFFECTIVE FOR A PERIOD OF TWENTY (20) YEARS COMMENCING APRIL 1, 2014; PROVIDING FOR THE TEMPORARY REMOVAL, RAISING OR LOWERING BY SPS OF ITS WIRES AND OTHER

APPURTENANCES; PROVIDING FOR THE RIGHT TO, AND CONDITION OF, THE OPENING OF PAVEMENTS AND SIDEWALKS BY SPS; RETAINING ALL RIGHTS OF CITY TO REGULATE THE LOCATION OF SPS'S FACILITIES IN, UPON, ALONG, UNDER AND OVER THE STREETS, ALLEYS AND OTHER PUBLIC PLACES OF CITY, AS WELL AS TO REQUIRE THE RELOCATION OF SAME; PROVIDING FOR EFFICIENT ELECTRICAL SERVICE AND THE MAINTAINING OF SPS'S FACILITIES; PROVIDING FOR THE USE BY CITY FOR THE PURPOSES SPECIFIED OF POLES AND CONDUITS OF SPS; PROVIDING COMPENSATION, AND METHOD OF PAYMENT OF SUCH, TO THE CITY FOR THE USE BY SPS OF THE STREETS, ALLEYS AND PUBLIC WAYS OF THE CITY; PROVIDING FOR THE MAINTAINING OF RECORDS BY SPS WITH RIGHT OF INSPECTION BY CITY RESERVING TO CITY ALL POWERS OF REGULATION; PROHIBITING ASSIGNMENT EXCEPT BY CONSENT BY CITY EXCEPT IN CERTAIN CASES; GIVING CITY'S CONSENT TO THE CUTTING AND TRIMMING BY SPS OF CONFLICTING TREES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THIS FRANCHISE SHALL NOT BE EXCLUSIVE; MAKING MISCELLANEOUS PROVISIONS RELATIVE TO THIS GRANT OF FRANCHISE; REPEALING ALL PREVIOUS ELECTRICAL LIGHTING AND POWER FRANCHISE ORDINANCES; PROVIDING FOR THE ACCEPTANCE OF THIS FRANCHISE ORDINANCE BY SPS.

A motion was made by Commissioner Porter and Seconded by Commissioner Studebaker to adopt on second and final reading Ordinance No. 1612, an Ordinance of the City of Pampa granting to Southwestern Public Service Company ("SPS") d/b/a Xcel Energy, the right, privilege and franchise to conduct within the City of Pampa electrical lighting and power business, with each Commission Member voting AYE, the motion carried.

14-037

4. Consider adopting on second and final reading Ordinance No. 1613, an Ordinance of the City of Pampa increasing administrative expenses for abatement and for building demolition.

ORDINANCE NO. 1613

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY REVISING SECTION 3.08.009(a) OF SAID CODE TO PROVIDE FOR INCREASED MINIMUM CHARGE FOR ADMINISTRATIVE EXPENSES FOR BUILDING DEMOLITION, AND BY REVISING SECTION 6.04.008(a) OF SAID CODE TO PROVIDE FOR INCREASED ADMINISTRATIVE CHARGE FOR ABATEMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Dixon and Seconded by Commissioner Studebaker to adopt on second and final reading Ordinance No. 1613, an Ordinance of the City of Pampa increasing administrative expenses for abatement and for building demolition, with each Commission Member voting AYE, the motion carried.

14-038

5. Consider approving on first reading Ordinance No. 1614, an Ordinance of the City of Pampa approving a negotiated settlement agreement between the steering committee of cities served by Atmos West Texas and Atmos Energy Corporation, West Texas Division.

ORDINANCE NO. 1614

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAMPA, TEXAS, APPROVING A NEGOTIATED SETTLEMENT

AGREEMENT BETWEEN THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS WEST TEXAS (“CITIES”) AND ATMOS ENERGY CORP., WEST TEXAS DIVISION REGARDING THE COMPANY’S 2013 STATEMENT OF INTENT TO INCREASE RATES IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE TARIFFS ATTACHED TO THE SETTLEMENT AGREEMENT TO BE JUST AND REASONABLE; APPROVING A NEW RATE REVIEW MECHANISM; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITIES’ LEGAL COUNSEL.

A motion was made by Commissioner Studebaker and Seconded by Commissioner Porter to approve on first reading, Ordinance No. 1614 and Ordinance of the City of Pampa approving a negotiated settlement agreement between the steering committee of cities served by Atmos West Texas and Atmos Energy Corporation, West Texas Division, with each Commission Member voting AYE, the motion carried.

14-039

6. Consider approving on first reading Ordinance No. 1615, an Ordinance of the City of Pampa amending Section 8, Area Regulations, Part 2, “Lot Width” and Part 6, “Side Yard”, of Zoning Ordinance No. 690.

ORDINANCE NO. 1615

AN ORDINANCE OF THE CITY OF PAMPA, TEXAS, AMENDING SECTION 8, AREA REGULATIONS, PART 2 LOT WIDTH, AND PART 6 SIDE YARD, OF ORDINANCE NO. 690 AS AMENDED, (APPENDIX A TO THE CODE OF ORDINANCES, CITY OF PAMPA, TEXAS), SO THAT LOTS 2 THROUGH 10 IN BLOCK 1, LOTS 1 THROUGH 8 AND LOTS 10 THROUGH 17 IN BLOCK 2, AND LOTS 3 THROUGH 9 IN BLOCK 3 OF THE EDWIN PARK SUBDIVISION, AN ADDITION TO THE CITY OF PAMPA, GRAY COUNTY, TEXAS, SHALL BE SUBJECT TO A MINIMUM LOT WIDTH OF 43 FEET AND A MINIMUM REQUIRED SIDE YARD OF 10 FEET ON ONE SIDE ONLY, AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Studebaker and Seconded by Commissioner Porter to approve on first reading Ordinance No. 1615, an Ordinance of the City of Pampa amending Section 8, Area Regulations, Part 2, “Lot Width” and Part 6, “Side Yard” of Zoning Ordinance No. 690, with each Commission Member voting AYE, the motion carried.

14-040

7. EXECUTIVE SESSION: The City Commission convened into closed session at 4:20 p.m. in accordance with Texas Government Code, Subchapter D, Section 551.074: Personnel Matters, to discuss:

► City Managers Evaluation

RECONVENE – The City Commission reconvened into open session at 4:49 p.m. with the following action taken:

A motion was made by Commissioner Studebaker and Seconded by Commissioner Porter to authorize Mayor Pingel to negotiate a salary increase with Richard Morris, City Manager, with each Commission Member voting AYE, the motion carried.

ADJOURNMENT

There being no further business on the agenda, the meeting was adjourned at 4:32 p.m. by Mayor Pingel.

Karen L. Price, City Secretary

Brad Pingel, Mayor