

**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
MAY 24, 2011**

On May 24, 2011, a regular meeting of the Odessa City Council was held at 6:00 p.m., in the Council Chambers, 5th Floor, City Hall, 411 West 8th Street, Odessa, Texas.

Members present: Mayor Larry L. Melton; Council members; Bill Cleaver, District One; James B. Goates, District Two; Barbara Graff, District Three; and Dean Combs, District Four.

Others present: Richard Morton, City Manager; Larry Long, City Attorney; Norma Grimaldo, City Secretary; James Zentner, Assistant City Manager; Michael Marrero, Assistant City Manager, other members of City staff; and members of the news media.

A quorum being present, Mayor Melton called the meeting to order and the following proceedings were held:

The invocation was given by Pastor Jeff Box, Chapel Hill Baptist Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Melton presented proclamations for Texas Scholars Day and Joe Clark and the Odessa Jackalopes.

Mayor Melton introduced Sandra Carrasco who is the only candidate for District 5 Council member.

CONSENT AGENDA ITEMS

- A. City Council Minutes, May 10, 2011;
- B. Bid award to Ennis Paint in the amount of \$25,488 for traffic paint;
- C. **Ordinance No. 2011-14 – Request of Ector Co., owner, Landgraf, Crutcher & Assoc., representative, for a specific use permit to allow a cemetery in a Light Industrial (LI) Zoning District, being approximately 2.42 ac. tract of land in Section 26, Block 42, T-2-S, T&P Ry. Co., Survey, Ector Co., Texas (east of the intersection of S. Dixie Blvd. and Electric St.);**
- D. **Ordinance No. 2011-15 – Request of DJK, Inc., owner, RSP Permian, LLC, leasee, for original zoning of Future Development-Drill Reservation (FD-DR) on approximately 2.1 ac. tract in Section 11, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (northwest of the intersection of Old Bankhead Hwy. and S. County Rd. 1297);**
- E. **Ordinance No. 2011-16 – Request of Apollo Perforators, Inc., owner, Landgraf, Crutcher & Assoc., agent, for original zoning of Planned Development-Light Industrial (PD-LI) on approximately 28.81 ac. tract, original zoning of Planned Development-Light Industrial-Drill Reservation (PD-LI-DR) on approximately 2.08 ac. tract and an approx. 2.27 ac. tract (approximately 4.35 ac. total) in Section 21, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas and original zoning of Planned Development-Light Industrial (PD-LI) on approximately 8.83 ac. tract in Section 22, Block 41, T-2-S, T&P**

Ry. Co. Survey, Midland Co., Texas (north of the intersection of IH-20 and proposed Tucker Rd. and northeast of IH-20 and Lufkin Rd.);

- F. Bid award to Chameleon Industries in the amount of \$77,500 for algicide;
- G. **Resolution No. 2011R-46 – Accept funding for the O’Conner Park Playground improvement project;**
- H. Review monthly financial summary report for April 2011.

Motion was made by Council member Graff and seconded by Council member Goates that the consent agenda items be approved. The motion was approved by unanimous vote.

OTHER COUNCIL ACTION

PUBLIC HEARING

Open a public hearing to consider renewal of taxicab franchise for Midessa Transportation, LLC). Lee Ann Rimer, Assistant City Attorney, stated that the taxicab renewal would be for five years and end on June 14, 2016. The franchise is for eight taxicabs and they would comply with the City code. No one came forward and the public hearing was closed.

Motion was made by Council member Cleaver and seconded by Council member Combs that the ordinance be approved on first approval. The motion was approved by unanimous vote.

Resolution No. 2011R-47 - Open a public hearing to consider the allocation of \$1,027,830 in 2011 Community Development Block Grant Funds (CDBG), and \$437,471 in HOME Investment Partnership funds. Merita Sandoval, Director of Community Development, reviewed the departmental requested funds. She stated \$1,027,830 was available in CDBG funds and \$437,471 was available in HOME funds. She reviewed the Community Development requests. There was about 25% reduction in CDBG funds with a 15% decrease in requested funds from Community Development. Steve Patton, Director of Parks and Recreation, stated that the trail system would create a link between McKinney Park and Salinas Park.

Nancy Wells, Main Street Executive Director, 3205 Bainbridge, reported that the Main Street Façade program has been successful with a total of 63 buildings renovated. The program enhances taxable property value and it concentrates on new development.

Lennerd Byrd, Odessa Housing Authority, 415 Hudson, stated that the Odessa Affordable Housing provides health and safety with quality repairs. Since inception, 350 clients have been helped.

Mr. Vickerson, Boys and Girls Club, provided photos of the renovated gym. He stated funds were needed to repair the kitchens at the Woodson and Wilkerson units.

Margaret Burton, Meals on Wheels Executive Director, 1314 E. 5th, stated that the funds provide a nourishing meals to senior citizens.

Erika Chavez, 8421 W. 16th, stated that the funds would address the needs of homeless individuals. The individuals would be trained to increase skills.

Larry Carroll stated that the funds would provide services for disabled persons at the training center. No one else came forward and the public hearing was closed. Each Council member gave a proposal.

Motion was made by Council member Cleaver and seconded by Council member Combs that the resolution be approved with the following CDBG allocation:

Program Administration	\$196,866
Housing Rehabilitation	254,674
Demolition	154,000
Code Enforcement	222,948
14 th St. sidewalk accessibility	83,000
Main Street Façade program	1,342
Meals on Wheels	25,000
Permian Basin Community Centers	75,000
Vacant Lot Clearance program	15,000

The motion was approved by unanimous vote.

Motion was made by Council member Goates and seconded by Council member Combs that the resolution be approved with the following HOME allocation:

Housing Rehabilitation/ Construction	\$150,000
Infill Housing Program	178,103
Community Housing Development Organization	65,621
HOME Program Administration	43,747

The motion was approved by unanimous vote.

ORDINANCES

Ordinance No. 2011-17 - Appointment of election judges and consolidation of various polling places for the June 25, 2011 Special City Election. Mrs. Grimaldo stated the ordinance would appoint the election judges and consolidate the six polling places into four.

Motion was made by Council member Goates and seconded by Council member Graff that the ordinance be approved on first and final approval. The motion was approved by unanimous vote.

Amend the City Code of Ordinances by adding Section 1-3-4, entitled “Date of Election”, in order to change our regular municipal election date in May to the State uniform election date in November.

Mrs. Grimaldo stated that the 82nd legislature has two proposed bills that would change the regular municipal election date from May to the 1st Tuesday after the 1st Monday in November. The ordinance would change the date to November subject to the passing of the legislation bills. Council member Goates stated it would save money if all entities move the election date. Council member Cleaver stated that votes would be lost since the City is non-partisan. Council member Graff stated that TML was concerned that voters would vote a straight party and votes would be lost. Council member Combs stated that the turnout was bad and the November election would turn up more voters. Council member Cleaver stated that it would be difficult to raise funds and the signs would be lost with the other candidate signs. The city elections would be difficult to recognize. Javier Joven, 3006 Byron, supported moving the election date for it is a cost saving matter. The voter apathy in May would not be there in November. Mr. Long stated if the date was moved, the current representatives that would be up in May would have an extra six months to serve.

Motion was made by Council member Goates and seconded by Council member Combs that the ordinance be approved on first approval. The motion was approved by Mayor Melton breaking the tie vote. Council members Cleaver and Graff voted against the ordinance.

Prohibit the use of tobacco products in certain outdoor areas of the local hospitals and parks. Steve Patton, Director of Parks and Recreation, stated that the first public hearing held citizens were against the ordinance and the second public hearing citizens were for the ordinance. The ordinance prohibits the use of tobacco products but allows an open area for smoking. It also prohibits tobacco products within 50 feet of hospitals. Gino Solla, #41 Cibola Court, reported that the State was researching at banning smoking at restaurants and bars. He stated that Ector County has a high number of diseases related to smoking. Council member Graff was glad to see the first step in no smoking.

Motion was made by Council member Graff and seconded by Council member Cleaver that the ordinance be approved on first approval. The motion was approved by unanimous vote.

Settlement agreement with Oncor Electric Delivery Company LLC. Mr. Zentner stated Oncor filed a \$53 million increase and a recommended settlement was reduced to \$136.7 million. For a citizen, an average bill would be \$2.35 increase. The rate would be phased in July and January 2012.

Motion was made by Council member Goates and seconded by Council member Combs that the ordinance be approved on first approval. The motion was approved by unanimous vote.

RESOLUTION

Resolution No. 2011R-48 – ODC economic development agreement between ODC and OI DC to extend JBS Parkway. Guy Andrews, Director of Economic Development, stated that ODC would provide \$1.6 million and OI DC would provide \$800,000 for the road extension of JBS Parkway.

Motion was made by Council member Combs and seconded by Council member Goates that the resolution be approved. The motion was approved by unanimous vote.

Resolution No. 2011R-49 – Appropriate the funds from various sources for one-time supplemental projects. Mr. Morton stated that there were various savings through last fiscal year's expense and the sales tax that was received. The one-time projects are \$6.2 million.

Motion was made by Council member Graff and seconded by Council member Cleaver that the resolution be approved. The motion was approved by unanimous vote.

MISCELLANEOUS

Appointment of Boards. Parks & Recreation Advisory Board, Midland Odessa Urban Transit District, Odessa Enterprise Zone Committee, Historical Preservation Commission, and Odessa Development Corporation. Appointment of Officers. (551.074) Housing Authority of Odessa. Motion was made by Council member Cleaver and seconded by Council member Goates that the following be appointed:

Kevin Demel be reappointed to the Odessa Enterprise Zone Committee
David Vincent be reappointed to the Historic Preservation Commission
Adela Vasquez be reappointed to the Housing Authority of Odessa
Eddy Spivey be reappointed to the Housing Authority of Odessa
Leldon Hensley be reappointed to the Housing Authority of Odessa

The motion was approved by unanimous vote.

Citizen comments on non-agenda items. None.

There was no other business, the meeting adjourned at 7:12 p.m.

ATTEST:

APPROVED:

Norma A. Grimaldo, TRMC, CMC
City Secretary

Larry L. Melton
Mayor