



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
OCTOBER 28, 2008**

On October 28, 2008, a regular meeting of the Odessa City Council was held at 6:04 p.m., in the Council Chambers, 5th Floor, City Hall, 411 West 8th Street, Odessa, Texas.

Members present: Councilmembers Bill Cleaver, District One; James B. Goates, District Two; Royce Bodiford, District Three; Dean Combs, District Four; and Michael Sanchez, District Five.

Member absent: Mayor Larry L. Melton.

Others present: Richard Morton, City Manager; Larry Long, City Attorney; Norma Aguilar, 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 Pro Tem Sanchez called the meeting to order and the following proceedings were held:

The invocation was given by Pastor Marcus Zuniga, New Life Chapel, and followed by the Pledge of Allegiance to the United States and Texas flags.

CONSENT AGENDA ITEMS

- A. City Council Minutes, October 14, 2008;
- B. Purchase six 2009 Horton ambulances;
- C. Purchase modular armored tactical combat house (MATCH);
- D. **Ordinance No. 2008-47 –Personnel Policy and Procedures Revisions;**
- E. Bid award to Professional Janitorial in the amount of \$173,683 for janitorial services;
- F. Request of the City of Odessa, owner, Keystone Petroleum GP, LLC, leasee, Gray Surface Specialties, agent, to rezone from Light Industrial (LI) to Light Industrial-Drill Reservation (LI-DR) on approximately 18.6 ac. of land [nine (9) 2 ac. sites] in Section 47, Block 42, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (southeast of S. Dixie Blvd.);
- G. Alltel Communications contract for cellular services;
- H. Renew contract with AT&T for plexar services;
- I. **Resolution No. 2008R-98 – Donation of vehicle to West Odessa Volunteer Fire Department;**
- J. **Resolution No. 2008R-99 – Sale of city property, Lot 1, Block 1, Santa Rosa Addn.;**
- K. **Ordinance No. 2008-49 – Electric power contract with CAPP and all related authorizations and documents;**
- L. **Resolution No. 2008R-100 – CAPP purchasing electricity and services from FPL Energy and Direct Energy for a five-year**



period.

Motion was made by Councilmember Cleaver and seconded by Councilmember Bodiford that items C & F. be pulled from the consent agenda. The motion was approved by unanimous vote.

Motion was made by Councilmember Bodiford and seconded by Councilmember Cleaver that consent agenda items A, B, D, E, G - L be approved. The motion was approved by unanimous vote.

Motion was made by Councilmember Cleaver and seconded by Councilmember Goates to table item C. - purchase modular armored tactical combat house (MATCH) to get more information about answering some liability issues. The motion was approved by unanimous vote.

Ordinance No. 2008R-48 - Request of the City of Odessa, owner, Keystone Petroleum GP, LLC, leasee, Gray Surface Specialties, agent, to rezone from Light Industrial (LI) to Light Industrial-Drill Reservation (LI-DR) on approximately 18.6 ac. of land [nine (9) 2 ac. sites] in Section 47, Block 42, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (southeast of S. Dixie Blvd.). Mr. Cleaver had concerns over extending Dixie into the South Fork Addn. and if the drill sites would be affected. Mr. Khoury stated that a portion of Dixie has not been platted but other areas were platted with right-of-ways. The drill sites will not hamper this item. There were not objections from police and fire with the firing range being nearby.

Motion was made by Councilmember Goates and seconded by Councilmember Bodiford that the ordinance be approved on second reading. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Michael Sanchez	Aye

OTHER COUNCIL ACTION

PUBLIC HEARINGS

Open a public hearing to consider approval of the request of Gladys Jamison, owner, Robbie Jamison, agent, for original zoning of Retail (R) on approximately 2.1 ac. in Section 8, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (4600 block of E. Loop 338). Marwan Khoury, Director of Planning, reviewed the location and it currently has one home on the property. The home will soon be vacant. This would allow for future retail development. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Councilmember Combs and seconded by Councilmember Goates that the ordinance be approved for first approval. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Michael Sanchez	Aye

Open a public hearing to consider approval of the request of Ector Co. and Mardeb, LLC, owners, Keystone Petroleum GP, LLC, leasee, Gray Surface Specialties, agent, for original zoning of Future



Development-Drill Reservation (FD-DR) on approximately 10.6 ac. of land in Section 39, Block 42, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (southwest of the intersection of IH-20 and Hwy. 385). Marwan Khoury, Director of Planning, reviewed the location of the property which is 200 acres on the land and has five drill sites. The zoning will be used for oil/gas drilling. The Planning and Zoning Commission recommended for approval. Councilmember Cleaver was concerned on the safety of the wells due to the proximity and the H2S gas. Mr. Khoury stated it meets the safety requirements. A representative from Keystone stated that the H2S is monitored on each well every day. Councilmember Cleaver stated that there was potential for exposure. Councilmember Sanchez asked if this would stifle the growth in the area and hinder development. Mr. Khoury stated that it would not hinder development. After further discussion, Councilmember Cleaver would like more definite answers to his concerns.

No one else came forward and the public hearing was closed.

Motion was made by Councilmember Goates and seconded by Councilmember Combs that the ordinance be approved for first approval. The motion was approved by the following vote:

Bill Cleaver	Nay
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Michael Sanchez	Aye

ORDINANCE

Atmos West Texas Corp. rate increase. Mr. Zentner stated that Atmos filed for a rate increase of \$9.5 million. After a negotiated settlement, he recommended a \$3.9 million settlement. The residents would see an average of \$1.98 increase.

Motion was made by Councilmember Bodiford and seconded by Councilmember Goates that the ordinance be approved for first approval. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Michael Sanchez	Aye

RESOLUTIONS

Resolution No. 2008R-101 – Bid award to construct new 18” and 12” water lines along 52nd St. and E. Loop 338. Ajay Shakyaver, City Engineer, stated that this would construct an 18” and 12” water line along 52nd St. and E. Loop 338. He recommended that Key Enterprises be awarded the bid for \$623,882.69. The amount is 27% below the estimate. It will take 90 working days for the construction.

Motion was made by Councilmember Combs and seconded by Councilmember Bodiford that the resolution be approved. The motion was approved by the following vote:



Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Michael Sanchez	Aye

Resolution No. 2008R-102 – ODC contract for a study of workforce recruitment for primary employers in Odessa, Texas. Rick Carlton stated that the study is for 90 days and Dr. Toombs would compile the results of the workforce recruitment study. Councilmember Sanchez asked if it was necessary due to the downturn of the economy. Mr. Carlton stated that the business community is concerned with the workforce and the quality. The ODC board recommended the study for \$6,800. The Permian Basin Workforce will be involved as well as industrial and manufacturing business employers at all levels. Councilmember Sanchez stated it was a duplication of services.

Motion was made by Councilmember Goates and seconded by Councilmember Combs that the resolution be approved. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Michael Sanchez	Nay

MISCELLANEOUS

Appointment of Boards. Parks & Recreation Advisory Board. Appointment of Officers. (551.074) Plumbing Advisory Board, Mechanical Board of Appeals and Zoning Board of Adjustment. No action.

Citizen comments on non-agenda items. No one came forward.

There was no other business, the meeting adjourned at 6:36 p.m.

ATTEST:

APPROVED:

Norma Aguilar, TRMC
City Secretary

Michael Sanchez
Mayor Pro Tem