



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
SEPTEMBER 23, 2008**

On September 23, 2008, 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; Councilmembers Bill Cleaver, District One; James B. Goates, District Two; Royce Bodiford, District Three; and Michael Sanchez, District Five.

Member absent: Councilmember Dean Combs, District Four.

Others present: 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 Melton called the meeting to order and the following proceedings were held:

The invocation was given by Pastor Michael Courtney, Life Change Baptist Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Pro Tem Sanchez presented a proclamation for Hunger Action Month.

CONSENT AGENDA ITEMS

- A. City Council Minutes, September 9, 2008;
- B. Special City Council Minutes, September 16, 2008;
- C. **Ordinance No. 2008-38 – Amendments of Articles II, III and IV of the Ambulance Chapter of the City Code and consolidation under Article II;**
- D. **Resolution No. 2008R-75 – Accept a grant from the Governor's Division of Emergency Management for EMPG funding in the amount of \$80,285;**
- E. **Ordinance No. 2008-39 - Request of Leeco Properties, Inc., owner, Landgraf, Crutcher & Assoc., agent, for original zoning of Planned Development-Single Family (PD-SF) on approximately 35.6 ac. in Section 16, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (west of the intersection of Faudree Rd. and Sonoma Ave.);**
- F. **Ordinance No. 2008-40 - Request of Eastridge Estates, Ltd., BEB Inc. owners, Landgraf, Crutcher & Assoc., agent, for original zoning of Single Family-Two (SF-2) on approximately 27 ac. tract of land and for original zoning of Single Family-Two-Drill Reservation (SF-2-DR) on approximately 2.1 ac. tract of land in Section 16, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (south of the intersection of Eastridge Rd. and Marksburg Ave.);**

- G. **Ordinance No. 2008-41 - Request of Valerie Drew, agent, James Headlee, owner, for original zoning of Planned Development-Retail-One (PD-R-1) on approximately 4 ac. in Section 8, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (south of the intersection of E. Loop 338 and E. 52nd St.);**
- H. **Ordinance No. 2008-42 - Request of Jemsite Development, owner, to amend the Planned Development-Light Commercial (PD-LC) regarding fence height on the north side, Lot 2, Block 1, MCM Plaza (4101 E. 42nd St., Building P);**
- I. **Ordinance No. 2008-43 - Request of Summer Breeze Apartments Ltd., owner, West Co. of Midland, agent, for original zoning of Multi-Family-One (MF-1) on approximately 17.5 ac. tract in Section 9, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (west of the intersection of Hwy. 191 and Faudree Rd.);**
- J. **Resolution No. 2008R-76 – Request by West Texas Food Bank, Kids Cafe Operations for an extension of time to expend 2007 CDBG funds that were allocated for operations cost of the Kids Café;**
- K. **Resolution No. 2008R-77 – Request by Permian Basin Rehabilitation Center for an extension of time to expend 2007 CDBG funds that were allocated for therapy services;**
- L. **Resolution No. 2008R-78 – Request by Odessa Affordable Housing for an extension of time to expend 2007 CDBG funds that were allocated for minor and emergency home repairs for low-income residents;**
- M. **Resolution No. 2008R-79 – Request by West Texas Food Bank, Kids Cafe for an extension of time to expend 2007 CDBG funds that were allocated for renovations to the facility;**
- N. **Resolution No. 2008R-80 – Request by Permian Basin Workforce Development Board for an extension of time to expend 2007 CDBG funds that were allocated for child care for low-income citizens;**
- O. Bid award to Ashland in the amount of \$41,628 for polymer;
- P. **Resolution No. 2008R-81 – Ector County Independent School District interlocal agreement;**
- Q. Renew contract with Eddins-Walcher for automated fueling services;
- R. **Resolution No. 2008R-82 – University of Texas of the Permian Basin interlocal cooperation contract for street services;**
- S. **Ordinance No. 2008-44 - Abandonment of street right-of-way adjacent to Lot 21, Block 4, Permian Plaza;**
- T. **Resolution No. 2008R-83 – Contract with Elms, Faris and Company, LLP., to provide auditing services for fiscal year ending September 30, 2008;**
- U. **Resolution No. 2008R-84 – City's Investment Policy; the Approved Brokers/Dealers & Financial Institutions' List; and also grant continued authorization for the use of three investment pools;**
- V. Review monthly financial summary report for August 2006.



Motion was made by Councilmember Bodiford and seconded by Councilmember Sanchez that the consent agenda items be approved. The motion was approved by unanimous vote.

OTHER COUNCIL ACTION

BID AWARDS

Bid award for the railroad quiet zone project. Hal Feldman, Traffic Engineer, stated that the bid award is for construction of safety improvements. He recommended that the bid be awarded to M & S Concrete in the amount of \$92,050 which is under engineer's estimate. The improvements will be from Kelly to Reed. It leaves out two locations, one on the Westside and one on the Eastside. Motion was made by Councilmember Cleaver and seconded by Councilmember Goates that the bid award be awarded. The motion was approved by unanimous vote.

Bid award for crack sealing compound. Mark Simpson, Director of Purchasing, recommended that the bid be awarded to Deery American. Motion was made by Councilmember Sanchez and seconded by Councilmember Bodiford that the bid award be approved. The motion was approved by unanimous vote.

ORDINANCES

Ordinance No. 2008-45 - Levy the tax for the 2008 tax year. Mr. Zentner stated that the tax rate for 2008 is 56.229 cents per one hundred dollars. It is a 1.67 cent reduction from last year.

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

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

Ordinance No. 2008-46 - City of Midland agreement to apportion overlapping areas of extraterritorial jurisdiction. Marwan Khoury, Director of Planning, stated that this would adjust the ETJ line. The current ETJ line has been in existence since 1982. The proposed adjustment would be one mile West of 1788. This is important for the growth of the city and it will control new subdivisions. Councilmember Goates commended Mr. Khoury on the work. Mayor Melton commended the City of Midland that approved this unanimously.

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

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



RESOLUTIONS

Resolution No. 2008R-85 – Appropriate funds from the dissolution of the Midessa Auto Theft Task Force. Deputy Police Chief Blanco stated funds would be appropriated from the dissolution of the Midessa Auto Theft Task Force. The funds of \$88,166 plus vehicles would be divided between the Odessa Police Department, Midland Police Department and the Midland's Sheriff's office.

Motion was made by Councilmember Cleaver 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	Absent
Michael Sanchez	Aye

Resolution No. 2008R-86 – Outside agency request for Hotel/Motel Tax funding for the fiscal year 2007-08 budget. Mr. Long stated that this request is for \$12,600 from Hotel/Motel tax fund for the Gertrude Bruce building to replace the roof. The building is a historic restoration which qualifies for the funds.

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

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

MISCELLANEOUS

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

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

There was no other business, the meeting adjourned at 6:19 p.m.

ATTEST:

APPROVED:

Norma Aguilar, TRMC
City Secretary

Larry L. Melton
Mayor