



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
SEPTEMBER 9, 2008**

On September 9, 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; Dean Combs, District Four; and Michael Sanchez, District Five.

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

The invocation was given by Rev. Joseph Harker, Bethany Christian Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Pro Tem Bodiford presented a proclamation for Odessa Pride Star Month for the Dr. Wheatley Stewart Medical Pavilion. Les Blaylock, 9-1-1 Executive Director, presented certificates to several public safety communications dispatchers.

CONSENT AGENDA ITEMS

- A. City Council Minutes, August 26, 2008;
- B. **Ordinance No. 2008-37 - Amend Chapters 1, 2, 4, 4A, 8, 8A, 9, 9A, 12, 13, 14, 17, 18, 19, 20 and 21 of the City Code;**
- C. **Resolution No. 2008R-71 – Hazard Mitigation Grant program;**
- D. Bid award to DPC Industries in the amount of \$198,748 for liquid chlorine for Water Treatment Plant and the Bob Derrington Water Reclamation Plant;
- E. Bid award to Hawkins Construction in the amount of \$82,757 for Water Treatment Plant control building north façade demolition-rehab phase II;
- F. Emergency purchase of sodium hydroxide (caustic soda);
- G. Renew contract with Galls for the purchase of Police Department uniforms;
- H. Renew contract with Cintas for uniforms;
- I. Renew contract with Southwestern Equipment for Impac refuse truck parts;
- J. **Resolution No. 2008R-72 – Sale of a portion of Lot 1, Block 6, Graham Subdivision to the adjacent property owner;**
- K. **Resolution No. 2008R-73 – Use of additional General Fund revenue to fund one-time supplemental budget items;**

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



OTHER COUNCIL ACTION

Ratifying the property tax revenue increase reflected in the 2008-09 annual budget. Mr. Zentner stated that the annual budget for fiscal year 2008-09 will raise an additional \$1,812,546 in property tax revenue over last year. The additional tax revenue of \$324,843 will be received from new taxable property.

Motion was made by Councilmember Cleaver and seconded by Councilmember Combs that the property tax revenue be ratified. The motion was approved by unanimous vote.

Bid award for liquid aluminum sulfate for the Water Treatment Plant. Mark Simpson, Director of Purchasing, reported that costs have increased for liquid aluminum sulfate. The current contract has an escalator clause due to the chemical costs. He recommended that this be awarded to Chameleon Industries reducing the cost to \$375 per ton, an 8.5% reduction.

Motion was made by Councilmember Goates and seconded by Councilmember Sanchez that the bid award be approved. The motion was approved by unanimous vote.

PUBLIC HEARINGS

Open a public hearing to consider approval of the 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.) Marwan Khoury, Director of Planning, reviewed the location which is vacant. This would allow 163 single family units. There would be two access roads to Faudree Road. The Planning and Zoning Commission recommended for approval. Councilmember Sanchez was concern with the drainage plan and who is paying the cost. Matt Squyres, Director of Public Works, stated that the developers pay their portion of the drainage improvements cost. He stated that the Master Drainage Plan identifies \$4 million but will be developed in phases. The first phase could cost approximately \$200,000 addressing different areas. The plan identifies the drainage issues in the region. Councilmember Goates stated that the property owners have seen the plan and agreed with the plan. He recommended that a session for Council be held on the plan. Mr. Morton stated that the city partners with developers to retain flow and handle the drainage system. No one came forward and the public hearing was closed. Councilmember Sanchez wanted to review the plan before the cases were presented.

Motion was made by Councilmember Goates and seconded by Councilmember Bodiford 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 | Nay |

Open a public hearing to consider approval of the 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.) Mr. Khoury reviewed the location. The 27



acres would provide 84 lots approximately 8,000 square feet. This area falls under the same drainage plan. No one came forward and the public hearing was closed.

Motion was made by Councilmember Goates and seconded by Councilmember Bodiford 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 | Nay |

Open a public hearing to consider approval of the 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.) Mr. Khoury reviewed the location which is vacant. An office building will be built with a service area in the back. Valerie Drew stated that it would be an office warehouse concept to provide for small businesses. It is on a one acre tract for four buildings. Two buildings will be single and the other two buildings will be a combo with multi-units for service companies. No one else came forward and the public hearing was closed.

Motion was made by Councilmember Sanchez 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 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). Mr. Khoury stated that this would allow increasing the 6-foot fence to a 9-foot fence to provide more buffer zone. No one came forward and the public hearing was closed.

Motion was made by Councilmember Combs and seconded by Councilmember Bodiford 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 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.) (Ordinance - First Approval). Mr. Khoury reviewed the location of the property.



This would allow an apartment complex for 310 units. The site plan was submitted. They would like to start between November and January. There is an access road from Faudree to 56th Street. The drainage plan includes this area. Max Richardson stated that they have worked out the drainage. Jim Gross provided an approximate cost of rent. No one else came forward and the public hearing was closed.

Motion was made by Councilmember Goates and seconded by Councilmember Bodiford 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 on proposed tax rate. Mr. Zentner stated that the proposed tax rate is 56.229 cents which is a reduction from last year. This is the fifth consecutive year in reduction which is 12.617 cents or 18% reduction overall. A special meeting will take place September 16 to adopt the rate and final vote for September 23 at 6 p.m. No one came forward and the public hearing was closed.

Resolution No. 2008R-74 - Open a public hearing and adopt the 2008-09 annual budget. Mr. Morton stated that this has been a great economy but challenging with increases in fuel, maintenance and personnel costs. There was a mid-year pay adjustment. The total pay plan is \$2.5 million. Currently, the City is operating 52 people fewer than in 1984. The second largest cost is the fuel and equipment replacements costs at \$1.3 million. Over five years, the Council has met the needs and lowered the tax rate. Going over the roll back and increase in taxes was avoided. He thanked the Council for providing direction and support. He also thanked staff for their work. No one came forward and the public hearing was closed.

Motion was made by Councilmember Cleaver and seconded by Councilmember Goates 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 |

Open a public hearing and consider amendments of Articles II, III and IV of the Ambulance Chapter of the City Code and consolidation under Article II. John Alvarez, Assistant Fire Chief, stated that this would amend and provide updates to the Ambulance Chapter. No one came forward and the public hearing was closed.

Motion was made by Councilmember Combs and seconded by Councilmember Bodiford 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

ORDINANCE

Abandonment of street right-of-way adjacent to Lot 21, Block 4, Permian Plaza. Mr. Squyres stated that this would abandon an area that is a cul-de-sac and would be a small developable property.

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 | Aye |
| James B. Goates | Aye |
| Royce Bodiford | Aye |
| Dean Combs | Aye |
| Michael Sanchez | Aye |

MISCELLANEOUS

Appointment of Boards. Parks & Recreation Advisory Board and Permian Basin Airport Board, Appointment of Officers. (551.074) Plumbing Advisory Board, Mechanical Board of Appeals and Planning and Zoning Commission. Motion was made by Councilmember Sanchez and seconded by Councilmember Combs that the following be reappointed:

Michael Marrero, Gloria Pena and Willie Taylor to the Permian Basin Airport Board.
Conard Wilcox and Carolyn Dill to the Mechanical Board of Appeals.
Gary Sims, Jeff Woltz and Steve Poynor to the Planning and Zoning Commission

The motion was approved by unanimous vote.

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

There was no other business, the meeting adjourned at 6:50 p.m.

ATTEST:

APPROVED:

Norma Aguilar, TRMC
City Secretary

Larry L. Melton
Mayor