



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS**

SEPTEMBER 25, 2012

On September 25, 2012, 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 and Sandra Carrasco, District Five.

Others present: Richard Morton, City Manager; Larry Long, City Attorney; Norma Aguilar-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 Owen Sharp, Odyssey Health Care, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Pro Tem Combs presented a proclamation for Fire Prevention week and Pink the Basin.

CONSENT AGENDA ITEMS

- A. City Council Minutes, September 11, 2012;
- B. City Council Minutes, September 18, 2012;
- C. Purchase traffic signal equipment from Iteris in the amount of \$54,075;
- D. Pay for equipment repair costs for two bar screens at the Bob Derrington Water Reclamation Plant to Parkson Co. in the amount of 159,254;
- E. Bid award to Hercules Incorporated for polymer in the amount of \$52,440 for sludge dewatering at the Bob Derrington Water Reclamation Plant;
- F. Payment for equipment repair costs to Smith Pump in the amount of \$52,142 for two pumps;
- G. **Ordinance No. 2012-55 - Request of AAAAA Self Storage (Gary Griffin), owner, Fehr Metal Building, agent, for a specific use permit to allow self-storage mini-warehouses in a Retail (R) Zoning District, N156' of Lot 2, Block 1, Furman Addition (proposed Lot 6, Block 1, Furman Addition) (southeast corner of the intersection of Faudree Rd. and Old Bankhead Hwy.);**
- H. **Ordinance No. 2012-56 - Request of DJK, Inc., owner, for original zoning of Planned Development-Housing (PD-H) on approximately 100 ac. tract of land in Sections 11 and 14, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas [north of the intersection of Old Bankhead Hwy. (West CR 122) and**

- San Gabriel Dr.];**
- I. **Resolution No. 2012R-82 – Extend time for Main Street Odessa to expend 2011 CDBG funds that were allocated for facade improvements;**
 - J. Renew contract to purchase Police Department uniforms with Galls in the amount of \$50,000;
 - K. Renew contract to purchase irrigation supplies with Ewing Irrigation and Benmark Supply in the amount of \$100,000;
 - L. **Resolution No. 2012R-83 - Weaver and Tidwell, LLP contract to provide auditing services for the fiscal year ending September 30, 2012;**
 - M. Review monthly financial summary report for August 2012;
 - N. **Resolution No. 2012R-84 - Authorizing the use of eminent domain to acquire a right-of-way easement over 11.38 acres of land located in Section 37, Block 42, T-2-S, T&P RR. Co. Survey, Ector County, Texas.**

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

OTHER COUNCIL ACTION

ORDINANCE

Ordinance No. 2012-57 - Appointment of judges for the general city election to be held on November 6, 2012. Mrs. Grimaldo stated that the ordinance would appoint the election judges and establish their fees for the Municipal election on November 6.

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

Ordinance No. 2012-58 – Levying the tax for the 2012 tax year. Mr. Zentner stated that this is the second and final consideration of the tax levy. The tax rate for fiscal year 2012-13 was 51.2750 cents per one hundred valuation.

Council member Goates motioned that the property tax rate be increased by the adoption of a 51.275 cents, which is effectively a 2.06% increase in the tax rate. It was seconded by Council member Combs that the ordinance be approved on second and final approval. The motion was approved by a 4-1 vote with Council member Graff casting the nay vote.

RESOLUTION

Resolution No. 2012R-85 – Agreement and appropriate funds for a feasibility study for locating a hotel/convention center in downtown Odessa. Joel Roberts, Attorney, stated that the agreement would be to obtain a study for a hotel and convention center for downtown. DP Consultant firm would conduct the study. The firm is hotel and tourism oriented and has been in business for 25 years. The firm has done a private study here in Odessa. The study would include a site analysis, consider market conditions, competition, identify location and identify the best brand for Odessa. Main Street Odessa would fund \$1,000 and the Hotel/Motel Funds would fund \$16,500. Council member Graff thanked

Main Street. Mr. Morton stated that the convention center was tried in the past three times. This plan was for a smaller facility.

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

Resolution No. 2012R-86 – Interlocal cooperation contract with the Texas Department of Public Safety (TDPS) for the Failure To Appear Program offered by the Driver License Division for Municipal Court. Kathryn Wells-Vogel, Director of Municipal Court, stated that the contract would be to provide the Failure to Appear program. It would deny the renewal of the drivers license if the fines were not paid or if the person fails to appear in the trial.

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

Resolution No. 2012R-87 – Odessa Development Corporation annual contracts. Mr. Zentner stated that the Odessa Development Corporation board approved its outside agency contracts on September 13.

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

Resolution No. 2012R-88 – Second Amendment to the Summit Texas Clean Energy Economic Development Agreement and Its Exhibit A, Irrevocable Guarantee Agreement, and to the Delineation of Draw Conditions. Mr. Long stated that due to delays in the Summit Project, a request was made for a second amendment to the Summit Texas Clean Energy economic development agreement. The request was to the Irrevocable Guarantee Agreement, and to the Delineation of Draw Conditions to change the date of financial closing from March 1, 2012 to March 1, 2013, and to change the date of full employment from December 31, 2015 to March 1, 2017. This will be contingent upon the renewal of the letter of credit guaranteeing payment.

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

MISCELLANEOUS

Appointment of Boards. Community Development Advisory Committee, Appointment of Officers. Zoning Board of Adjustment, Building Board of Appeals, Planning and Zoning Commission, and Housing Finance Corporation. Motion was made by Council member Cleaver and seconded by Council member Goates that the following be appointed or reappointed:

Tim Williams appointed to the Community Development Advisory Committee;
Mark Windham and Rosa Valdez reappointed to the Zoning Board of Adjustment; and
Gary Sims reappointed to the Zoning Board of Adjustment.

Motion was approved by unanimous vote.

Citizen's comments on non-agenda items. None.

Evaluate performance of Council Appointees (551.074). Mayor Melton stated Council would go into executive session under 551.074 to evaluate the Council Appointees.

Upon returning from executive session, Mayor Melton stated that each of the appointees received high marks and there were no issues with any appointees.

Motion was made by Council member Cleaver and seconded by Council member Graff that the City Manager, City Attorney, City Secretary, Municipal Court Judge and the Assistant Municipal Court Judge each receive a 7% raise and that Richard Morton's contract be amended to extend a 12 month severance package. The motion was approved by unanimous vote.

There was no other business, the meeting adjourned at 7:31 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC
City Secretary

Larry L. Melton
Mayor