



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
AUGUST 14, 2012**

On August 14, 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: 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.

Member absent: Mayor Larry L. Melton.

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

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

The invocation was given by Byron McWilliams, First Baptist Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

CONSENT AGENDA ITEMS

- A. City Council Minutes, July 24, 2012;
- B. **Resolution No. 2012R-63 - Authorize the City of Odessa Police Department to accept a BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program;**
- C. **Resolution No. 2012R-64 - Authorize the Odessa Police Department to accept a one year grant from the Attorney General's Office for a Crime Victim Liaison;**
- D. **Ordinance No. 2012-43 - Parking zones and school zones;**
- E. **Ordinance No. 2012-44 - Request of Wyly & Fredna Brown Family Partnership, Ltd., owner, for original zoning of Planned Development-Single Family-One (PD-SF-1) on approximately 0.06 ac. tract in Section 4, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (northwest of the intersection of Cobblestone Ln. and Castlegate Ln.);**
- F. Request of Jack N. Mousa, Ltd., owner, for original zoning of Special Planned Development (SPD) on approximately 25.62 ac. tract in Section 9, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (southwest corner of the intersection of Tres Hermanas Blvd. and Parks Legado Rd.);
- G. **Ordinance No. 2012-45 - Request of San Machell Development, LLC, owner, Parkhill, Smith & Cooper, agent, for original zoning of Planned Development-Single Family (PD-SF) on approximately 16.4 ac. tract in Sections 9, 10 and 16, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (west of the**

- H. **intersection of San Machell Dr. and Faudree Rd.);**
Ordinance No. 2012-46 - Request of Apollo Perforators, Inc.,
owner, LCA, agent, for original zoning of Planned
Development-Light Industrial (PD-LI) on approximately 69 ac.
tract, original zoning of Planned Development-Light Industrial-
Surface Drainage (PD-LI-SD) on approximately 54 ac. tract in
Sections 15 and 22, Block 41, T-2-S, T&P Ry. Co. Survey,
Midland Co., Texas and original zoning of Planned
Development-Light Industrial-Drill Reservation (PD-LI-DR) on
approximately 5 ac. [two (2) sites] in Sections 22, Block 41, T-2-
S, T&P Ry. Co. Survey, Midland Co., Texas (southeast of the
intersection of Business IH-20 and proposed Faudree Rd.);
- I. **Ordinance No. 2012-47 - Request of P Bar Parks Bell Ranch,**
Ltd., owner, LCA, agent, for original zoning of Future
Development-Drill Reservation (FD-DR) on approximately 91
ac. (38 sites) in Sections 40, 41, 45 and 46, Block 41, T-1-S, T&P
Ry. Co. Survey, Ector and Midland Co., Texas (east of the
intersection of Faudree Rd. and Yukon Rd.).

Motion was made by Council member Cleaver and seconded by Council member Carrasco that Item F. be removed from the table. The motion was approved by unanimous vote.

Motion was made by Council member Combs and seconded by Council member Cleaver that the consent agenda items be approved without item F. The motion was approved by unanimous vote.

OTHER COUNCIL ACTION

PUBLIC HEARINGS

Open a public hearing to consider approval of The Morrison Group, owner, for annexation to the City of Odessa of approximately 22 ac. tract in Sections 10 and 15, Block 41, T&P Ry. Co. Survey, Midland Co., Texas (south of Mission Santiago Dr.) and SJL Partners, GP, Owner, for annexation to the City of Odessa approximately 532.5 ac. tract in Section 21, 22, 27 and 28, Block 41, T-2-S, T&P Ry. Co Survey, Midland Co., Texas (west, southwest and southeast of the intersection of IH-20 and proposed Faudree Rd.) Marwan Khoury, Director of Planning, reviewed the location. The purpose was to add a residential area and Industrial District. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

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

Remove from the table and open a public hearing to consider approval of the request of the City of Odessa, owners, to amend the Planned Development-Office (PD-O), Lot 4, Block 2, North Park Addition, 2nd Filing (555 E. 92nd St.). Motion was made by Council member Combs and seconded by Council member Carrasco that the item be removed from the table. The motion was approved by unanimous vote.

Mr. Khoury reviewed the location of the property. The proposed change would allow single family dwelling, single family dwelling attached, family duplex, quad duplex, park playground, daycare or a community center. No one came forward and the public hearing was closed.

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

Open a public hearing to consider approval of the request of First Baptist Church of Odessa, owner, to rezone from Central Business District-One (CB-1) to Planned Development-Central Business District-One (PD-CB-1) Lots 4-6, Block 16, Original Town (southeast corner of the intersection of W. 8th St. and Sam Houston Ave.); Mr. Khoury reviewed the location property. A sanctuary would be built with 1,500 seat capacity. ECISD, AT&T, and the City entered into an agreement to allow First Baptist to use the parking spaces during non-work hours. The Planning and Zoning Commission recommended for approval with certain conditions. Mr. Khoury stated that it would enhance and develop downtown. The parking spaces required 500 and with the agreements there were 630 parking spaces. John Landgraf, 521 N. Texas, stated that the dumpsters would be located at a mutual agreement location. The Cable One building will be torn down. Byron McWilliams, 709 N. Lee stated that Sundays would be the day in using the additional parking spaces. It is rare that a large funeral takes place. The site plan has a parking garage but that would be for the future. No one else 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.

ORDINANCE

Ordinance No. 2012- 48 – Call the 2012 General City Election. Mrs. Grimaldo stated that the ordinance would call the general Municipal Election as required by the City Charter and the Texas Election Code. It calls the election on November 6 for the Mayor, City Council Districts One and Two to serve a four-year term.

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

Consider approval of new water rates. Mr. Zentner stated that the proposed water rate was a 40% increase which on a residential that uses 2,000 gallons would see an increase of \$4.99. The effective rate would start September 1 and would be on the October billing. Due to the lack of water sales the budget needed to balance the revenues and expenditures. The City has a fixed rate of \$11 million to be paid to CRMWD plus there was the cost of the variable, debt and service rates. This current year budget, the fund balance was spent. Mayor Pro Tem Goates stated that no taxes support water not even sales tax money. Mr. Zentner reported that there was \$9 million left in the fund balance. Mayor Pro Tem Goates was proud of the citizens in following the water restrictions. He stated that the cost incurred over 50 years. Lakes were not filling up and CRMWD has been looking for other sources of water. Council member Graff was concerned that the last few years there was no conservation or restrictions. Mr. Zentner reported that the CRMWD fee may increase. Mayor Pro Tem Goates stated that if increased it was due to the electric pumping cost.

Deanna Fowler, 348 N. Rita Ave., was concerned that 40% was a big rate and the customers have no option but to pay. The citizens stayed under the required quota. She asked if some of the water restrictions could be lifted to cover some of the expenses. She wanted to know what budget cuts were made. Mayor Pro Tem Goates responded that the same amount of water was to be sold but there was only 16 million to be sold a day. Mr. Morton stated that last year the number of water was 25 million then it was pushed down to 22 million. After the budget was passed, the water usage was dropped to 16 million. Mr. Morton reported that the water's personnel cost \$7.7 million and employees were needed to solve and fix issues and deliver water.

Conrad Turner, 3984 Lakeside Dr., stated that it was Council's fault for the water situation and there was no common sense. He faulted Mr. Zentner. Mr. Morton stated that Mr. Zentner has done a great job as Assistant City Manager with finances. Mr. Turner stated that Council was penalizing the citizens of the town. Mayor Pro Tem Goates stated that lakes were built over 50 years and water fields were purchased in the 1960's and three years ago. Council was not at fault for the lack of rain. He stated Odessa was lucky to be in the oil industry. Odessa had the lowest water rates in the entire State.

Motion was made by Council member Combs and seconded by Council member Goates to approve the ordinance on first approval. Council Member Carrasco recommended that the senior citizens and people with disability have the same base rate with no change. Mr. Morton stated that revenue in the amount of \$220,000 would be lost and would increase if there were additional citizens that sign up. Motion was made by Council member Carrasco and seconded by Council member Graff to amend the motion to include the exemption from senior citizens and people with disabilities. The motion was approved by unanimous vote.

Motion was made by Council member Combs and seconded by Council member Goates that the ordinance be approved as amended on first approval. The motion was approved by a 4 – 1 vote with Council member Cleaver casting the nay vote. Council member Cleaver stated that other ways should be considered to fund the expense.

RESOLUTIONS

Proposal to establish a maximum tax rate of \$0.51275 for Fiscal Year 2012-13. Mr. Zentner stated that the proposed maximum tax rate of \$0.51275 per \$100 valuation for FY 2012-13. This tax rate is a one cent reduction as compared to last year's tax rate of \$0.52275. Due to the proposed tax rate being greater than the effective tax rate, public hearings will be held on August 28 and September 11, 2012 as required under the truth in taxation requirements. The final vote on the proposed tax rate will occur on September 25, 2012.

Council member Graff stated that by increasing the water rate and dropping the tax rate it did not make sense. A citizen would save \$8 a year. She suggested leaving the tax rate as is and take the money and use it elsewhere such as finding water. Council member Combs stated that over the years it has about a savings of \$0.17. Council member Graff stated that the wants and needs were different from today than before. Mayor Pro Tem Goates stated that the ad valorem tax doesn't even pay for police and the fire department. He stated the money would not make much difference. This was some relief to the citizens.

Motion was made by Council member Goates and seconded by Council member Combs that the resolution be approved. The motion was approved by a 4-1 vote with Council member Graff casting the nay vote.

MISCELLANEOUS

Appointment of Boards. Community Development Advisory Committee, Traffic Advisory Committee, Cable Franchise Committee, Odessa Housing Finance Committee Parks and Recreation Advisory Committee. Appointment of Officers. Zoning Board of Adjustment. Motion was made by Council member Cleaver and seconded by Council member Carrasco that the following be reappointed:

Odel Crawford and Bill Kilgore to the Cable Franchise Committee; and Mike Withrow, Brenda Worthen, and Chris Cole to the Odessa Housing Finance Committee.

Motion was approved by unanimous vote.

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

There was no other business, the meeting adjourned at 6:54 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC
City Secretary

Larry L. Melton
Mayor