



**CITY COUNCIL MINUTES  
CITY OF ODESSA, TEXAS  
JULY 10, 2012**

On July 10, 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; Dean Combs, District Four; and Sandra Carrasco, District Five.

Others present: Larry Long, City Attorney; Fara Corrales, Deputy City Secretary; Michael Marrero, Assistant City Manager; James Zentner, 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 Don Haislett, Life Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

**CONSENT AGENDA ITEMS**

- A. City Council Minutes, June 26, 2012;
- B. **Ordinance No. 2012-32 - Add Section 4-8-5-1 and amend Sections 4-8-2, 4-8-4, and 4-8-6 of Chapter 4, Entitled "Secondhand Goods Dealers", of the City of Odessa Code of Ordinances;**
- C. Purchase and installation of playground equipment, safety surfacing and a bench for Mark Henderson Park in the amount of \$85,000;
- D. Award contract with Badger Meter for the purchase of a 5/8"X3/4" and 1" AMR compatible water meters and withdraw Master Meter from consideration of bids;
- E. **Ordinance No. 2012-33 - Request of Gemini Commercial Properties, optionee, MJRC, LLC, owner, S.W. Howell, Inc., agent, for original zoning of Special Planned Development (SPD) on approximately 6.1 ac. tract of land in Section 16, Block 41, T-2-S, TYP Ry. Co. Survey, Ector Co., Texas (west of the intersection of Billy Hext Rd. and Stonehenge Rd.);**
- F. **Ordinance No. 2012-34 - Request of Crafton Communications (New Cingular Wireless by AT&T Mobility) leasee, Jeremy Baldwin, agent, Town & Country Plaza Woodcrest, Ltd., owner, for a specific use permit to allow a 60 ft. antenna support structure (tower) in a Retail (R) Zoning District, Lot 29, Block 2, Springdale Addition (2700 block of N. Grandview Ave.);**
- G. Request of Kriston Crow, owner, to amend the Planned Development-Retail (PD-R), Lot 5, Block 27, North Country Club Estates (east of the intersection of E. Loop 338 and Eastridge Rd.);
- H. **Ordinance No. 2012-35 - Request of MCM Properties II, Ltd., owner, S.W. Howell, Inc., agent to rezone from Planned Development-Light Industrial-Drill Reservation (PD-LI-DR) to**

**Light Commercial (LC) approximately 2.23 ac. tract out of Lot 1, Block 3, Motor City USA Replat (northeast corner of the intersection of E. 42<sup>nd</sup> St. and Tanglewood Ln.);**

- I. **Resolution No. 2012R-58 - Donate case law reference materials in hard back books.**

Motion was made by Council member Cleaver and seconded by Council member Carrasco that consent agenda items A-F and H-I be approved. The motion was approved by unanimous vote. Item G was moved under the regular agenda items.

## **OTHER COUNCIL ACTION**

### **PUBLIC HEARINGS**

**Open a public hearing to consider approval of the request of P Bar Parks Bell Ranch, Ltd., owner, LCA, agent, for original zoning of Retail (R) on approximately 15.64 ac., original zoning of Multi-Family-One (MF-1) on approximately 43.55 ac. and original zoning of Special Planned Development (SPD) on approximately 41.22 ac. tract in Section 45, Block 41, T-1-S, T&P Ry. Co. Survey, Ector Co., Texas (northeast and southeast of the intersection of Faudree Rd. and proposed Cross B Rd.)** Marwan Khoury, Director of Planning and Zoning, reviewed the property description and location. The area was annexed to the city about a year and a half ago. The Planning and Zoning Commission unanimously approved the request. No one came forward and the public hearing was closed.

Motion was made by Council member Goates and seconded by Council member Combs 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 Apollo Perforators, Inc. owner, LCA, agent, for original zoning of Planned Development-Light Industrial (PD-LI) on approximately 22.1 ac. tract in Section 21, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (southwest of Tucker Rd. and Groening St.)** Mr. Khoury reviewed the location of the property. Two letters were sent out with no returns. The Planning and Zoning Commission unanimously approved the request. No one came forward and the public hearing was closed.

Motion was made by Council member Goates 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 Crossroads Fellowship West, owner, LCA, agent for original zoning of Multi-Family-One (MF-1) on approximately 20.1 ac. tract in Section 9, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (east of the intersection of Hwy. 191 and Billy Hext Rd.)** Mr. Khoury reviewed the location of the property. The adjacent property was owned by the applicant. The Planning and Zoning Commission unanimously approved the request. Council member Goates asked whether an apartment complex was being built. Mr. Khoury confirmed and stated that there was a complex to the east of the property. No one came forward and the public hearing was closed.

Motion was made by Council member Combs and seconded by Council member Cleaver 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 Real Property Resources, Inc., owner, for original zoning of Planned Development-Single Family (PD-SF) on approximately 13.8 ac. tract and rezone from Single Family-Three (SF-3) to Planned Development-Single Family (PD-SF) approximately 1.8 ac. tract in Section 34, Block 42, T-1-S, T&P Ry. Co. Survey, Ector Co., Texas (north and east of the intersection of 98<sup>th</sup> St. and Dublin Ave.)** Mr. Khoury reviewed the location of the property. Twelve letters were sent out with none returned. The Planning and Zoning Commission unanimously approved the request. No one came forward and the public hearing was closed.

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

**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.)** Mr. Khoury reviewed the location of the two properties. The Planning and Zoning Commission unanimously approved the request. No one came forward and the public hearing was closed.

**Ordinance No. 2012-36 - Open a public hearing to consider amending the boundary line between two Single Member Districts (SMDs) Audencia publica para considerar enmendar los limites en medio dos distritos del concejo municipal. (Ordinance-Second & Final Approval).** Mr. Long stated that this action would move an area from precinct 412 to precinct 305. There were no residents in the area; therefore, no voters were affected. Council member Graff asked the purpose of the move. Mr. Long stated that a potential polling place for precinct 305 (the Ector County School Administration Building) currently was in precinct 412. The Ector County elections administrator requested the move for polling purposes. No one came forward and the public hearing was closed.

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

**Ordinance No. 2012-37 - Open a public hearing and consider election precinct boundaries and polling places – Audencia publica para considerar los distritos electorales y las casillas electorales.** Mr. Long stated that the Council had previously set the Single Member District boundaries and this item would set the precinct boundaries and polling places. The ordinance would designate where each boundary and polling place would be located. No one came forward and the public hearing was closed.

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

## ORDINANCE

**Ordinance No. 2012-38 – Amend Section 8-1-2 of Chapter 8, “Offenses and Nuisances” of the City of Odessa, Code of Ordinances.** Tim Burton, Police Chief, reviewed the amendment. Mark Stringer, 3719 Amherst, stated that the ordinance infringes on the peoples liberties and rights. A BB gun is defined as a weapon under the Texas Parks and Wildlife. The ordinance would make it illegal to carry a BB gun but not a 12 gauge shot gun. Mr. Stringer stated that the new ordinance would not stop those who are shooting at cars and windows.

Motion was made by Council member Goates and 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 Carrasco casting a nay vote.

**Ordinance No. 2012-39 – Request of Kriston Crow, owner, to amend the Planned Development-Retail (PD-R), Lot 5, Block 27, North Country Club Estates (east of the intersection of E. Loop 338 and Eastridge Rd.)** Mayor Melton called Blair Roberts, 6204 Eastridge, to express his concerns. Mr. Roberts did not approve of the two entrances being in the front and back of the car wash. He was worried that his yard would be an attempted U-turn area. He stated that the seven foot fence was not adequate privacy and the resale value of the homes could be affected. Council member Cleaver asked if Mr. Roberts had any suggestions for the fence height. Council member Goates stated that any height over eight feet could be dangerous. Mr. Khoury stated that the fence would be on the east side against the alley and the property for townhouses. There would not be a back entrance access to the alley. Mr. Roberts asked how close the fence would be toward Eastridge. The fence already in place gives viewing trouble to the motorists trying to get on to the street. Council member Combs suggested lowering the fence from seven feet. Mr. Crow agreed to have the fence lowered.

Council member Graff expressed concerns with a new car wash. It was bad timing considering the current water restrictions. Mr. Khoury stated that the applicant would use a water well.

Motion was made by Council member Goates and 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 a nay vote.

## RESOLUTION

**Sale of City Property located at 92<sup>nd</sup> street and Rainbow Drive.** Mr. Long stated that the building was the old fire station. Three bids were received from Ted Tuminowski for \$45,250, Daniel Vestring for \$35,000 and Grace Point Church for \$2,000.

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

**Resolution No. 2012R-59 – Outside Agency requests for funding for FY 2012-13 budget.** Jo Ann Davenport-Littleton, Black Cultural Council, stated that the request was the same as last year. She confirmed to Council member Graff that the funds would be for three events. The Juneteenth celebration was their largest event. Mrs. Davenport-Littleton thanked the Council for past funding.

Robin, 815 Nolan Ryan, Midland, gave a description of the CAF events. In 2011, the CAF welcomed 11,000 guests. At one event, a survey was given, 629 different zip codes were in attendance. The request was an increase from \$50,000 to \$75,000 due to the increased cost of producing the air show. They have kept tickets cost down but would like more advertising.

Linda Sweatt, 1512 Cimarron, thanked the Council for past support. Last year, there were 42,000 delegates with \$33 million in revenue as of June. Ms. Sweatt stated that 38 groups have been confirmed and booked and 28 sporting events were brought in the past year. There was a small increase in the budget request. Councilmember Graff congratulated Ms. Sweatt on bringing groups to Odessa and helping them find hotels.

Richard Esparza, 29 Royal Manor, thanked the Council for the funds for Fiesta West Texas and reported that this was the 18<sup>th</sup> year for Fiesta West Texas. They were hoping to make the event a three day event. Last year, there were over 25,000 people in attendance, 100 roping teams, 80 vendors, 20 artists and 150 employees. The 42 acres at the Ector County Coliseum were used for the event. Mr. Esparza stated that Fiesta West Texas was the biggest Hispanic event next to Dallas.

Don Stice, 1406 E. 17<sup>th</sup>, thanked for the support of Council. The Friends of the Ector Theatre's request was an increase from last year. Last year's funds did not last through the year and there was still one more show until new funds were received.

Kay McDowell, 4675 Valleybrook, stated that the Heritage Holiday parade of lights has grown. It was the only lighted parade that awards cash prizes.

Nicole Houser, Junior League of Odessa, stated that the theme for this year's Merry Marketplace was Candyland Christmas and reported that 10,000 shoppers attend the event with 85 merchants booked. The request was for \$15,000.

Nancy Wells, 3205 Bainbridge, stated that Main Street had an outstanding year. The Halloween event turnout was good that was held at the theatre. Despite the weather, there was a great turnout at the Firecracker Fandango. Main Street was co-producing the 8<sup>th</sup> annual Hot Summer Nights. She thanked the Council for support. Council member Graff was amazed by the turnout and the good behavior of attendees of the Firecracker Fandango.

Carla Bryant, 4122 E. 37<sup>th</sup> St., thanked the Council for support and reported that there was a monthly ad placed in the newspaper and there were online ads.

Joe Clark, 34 Preston Oak Circle, stated that the Odessa Jackalopes was launching careers of its athletes. The captain had a full ride to West Point, while another moved to the Air Force Academy. The Jackalopes booked 30 dates at the Coliseum. Attendance went up this year. Tickets would be available online. Mr. Clark thanked the Council for its support.

Erica Chavez, Odessa Links, stated that Hope Fest would bring in performers and was family oriented. She stated that a large crowd can be accommodated at the coliseum. Council member Graff asked whether this was a yearly event. Ms. Chavez stated that it was hosted every year and that Odessa Links has a great fundraising committee with good experience.

Steve Patton, Director of Parks and Recreation, stated that the Fall Festival had 3,200 people in attendance last year and reported that there was a slight increase in the request. The Ratliff Ranch Golf Course request was for advertising and marketing. The increase in these funds would pay for the three year advertisement lease at the airport. He would like to have more advertising during the oil show. Mr. Patton stated that Starbright Village was the most successful event. The increase in these funds would be to replace bulbs with LED bulbs. At this point, it was a onetime expense. The remaining funds was for advertising and a new display.

Cherry Snodgrass, 721 N. Washington, expressed appreciation of past support for the Permian Basin Fair. Ms. Snodgrass reported that it was the largest annual event in the Permian Basin. She reported of several events that occur at the fair. The request was an increase in funds. There would be e-ticketing available and an app for cell phones.

Angela Love Jackson, 609 Washington Lane, requested assistance for a golf tournament for the RIO Education Fund. She requested \$40,000, which would provide scholarships.

Doug Tull, Rock the Desert, thanked the Council for the support last year. Mr. Tull reported that Rock the Desert would be hosting the 13<sup>th</sup> annual event, August 2-4. He stated there was a 15% annual growth. Last year, 20,000 tickets were purchased or given out. Tickets were extremely affordable, costing \$25 for three days. Mr. Tull reported that Midland would fund \$50,000.

Roger Turner, 1300 SCR 1130, Midland, stated that the Sandhills Rodeo event starts the last weekend in November. He reported that there were 356 4H and FHA families involved last year, six performances and 919 PRCA cowboys and cowgirls competing in the area. Attendance was 25,000 people. For youth night, 1,800 people were in attendance. Scholarships are given out by the rodeo.

Carl Moore, 7 Marchelle Court, Midland, stated that Texas Nonprofit Theatres was a cohesive organization that united all theatres in Texas. He reported that approximately 250 youth would perform shows with 100 adult supervisors. Shows would be held at the Globe Theatre. Mr. Moore stated that the funds would help with administration costs. Council member Graff asked whether the conference would be held in Odessa every year. Mr. Moore informed that the conference rotates each year to different cities.

Nick Hernandez, 1109 S. Sam Houston, thanked the Council for its support. He reported that the attendance at the Tejano Super Car Show had not dropped throughout the years. There were 10,000 people in attendance last year, including vendors and participants. He stated that they would like to extend the event for two days.

Tamm O'Bannion, Crossroads, stated that there was a 25% increase over the past three years of the West Texas Crossroads Marathon. They partner with the City of Odessa for the marathon. They expect more than 500 participants this year. There were two designated beneficiaries from the marathon.

Dale Morris, 3508 Standlind, Midland, stated that the increase was for housing the Roughnecks and advertisement. Mr. Morris reported that the West Texas Roughnecks raised \$6,000 for the American Cancer Society. Seven dates were booked at the coliseum not including the playoffs. He thanked the Council for its support.

Stella Neboh, 6440 Richwood, thanked the Council for its support. Ms. Neboh stated that the West Texas Track Club would host three track meets with the assistance of the funds. This year, eleven athletes qualified for the Junior Olympics and two scholarships were given. It was a great program for kids ages 2-19. Ms. Neboh stated that they would like to host an AAU national meet. The Track Club did not request an increase in funds.

Each Council member proposed recommendations. After further discussion, motion was made by Councilmember Goates and seconded by Council member Cleaver that the following be allocated from Hotel/Motel Tax Fund:

Black Cultural Council	\$25,000
Commemorative Air Force	50,000
Convention and Visitors Bureau	929,883
Conv. & Visitors Bureau/Sports Event recruit	100,000
Fiesta West Texas	21,000
Friends of Ector Theatre	35,000
Heritage Holiday	17,200
Junior League of Odessa	12,000
Main Street Odessa	80,000
Odessa Council for the Arts & Humanities	400,000
Odessa Jackalopes Hockey Team	60,000
Odessa Links	20,000
Odessa Parks Department	
Fall Festival	30,000
Ratliff Ranch Golf Links	100,000
Starbright Village	125,000
Permian Basin Fair & Exposition	85,000
RIO Education Fund, Inc.	25,000
Rock the Desert	50,000
Sandhills Stock Show & Rodeo	75,000
Texas Nonprofit Theatres, Inc.	10,000
Texas Tours Entertainment	40,000
West Texas Crossroads Marathon	25,000
West Texas Roughnecks	25,000
West Texas Track Club	40,000
Ector County Coliseum	50,000
Administrative Cost/Audit Fees	14,665

Motion was made by Councilmember Goates and seconded by Councilmember Cleaver that the following be allocated from the General Fund:

Crime Stoppers	\$40,000
Teen Court	45,377

The motion was approved by unanimous vote.

There were no requests from the Solid Waste Fund. The motion was approved by unanimous vote with Council member Combs abstaining.

**Appointment of Boards. Parks and Recreation Advisory Board, Historical Preservation Commission, Traffic Advisory Committee and Cable Franchise Committee. Appointment of Officers. Board of Survey and Building Board of Appeals.**  
No Action.

**Citizen's comments on non-agenda items.** No action.

There was no other business, the meeting adjourned at 7:35 p.m.

ATTEST:

APPROVED:

Fara Corrales  
Deputy City Secretary

Larry L. Melton  
Mayor