



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
JUNE 26, 2012**

On June 26, 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.

Member absent: Council member 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 Mayor Melton and followed by the Pledge of Allegiance to the United States and Texas flags.

CONSENT AGENDA ITEMS

- A. City Council Minutes, June 12, 2012;
- B. **Resolution No. 2012R-56 - City to apply for a Federal Government Grant to provide partial payment for two bulletproof vests for Fire Department;**
- C. **Resolution No. 2012R-57 - City to apply for a Federal Government Grant to provide partial payment for fourteen bulletproof vests for Police Department;**
- D. **Ordinance No. 2012-31 – Request of Crossroads Fellowship Church, owner, LCA, agent, for original zoning of Single Family-One (SF-1) on approximately 0.46 ac. tract of land in Section 9, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (northeast of the intersection of Hwy. 191 and Billy Hext Rd.);**
- E. Bid award to Roll-Offs of America in the amount of \$228,060 for refuse containers and container bottoms;
- F. Review monthly financial summary report for May 2012.

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

OTHER COUNCIL ACTION

BID AWARD

Bid award for 8th Street reconstruction from County Road West to Grant Avenue. Ajay Shakyaver, City Engineer, stated that the reconstruction from County Road West to Grant would replace the curb and gutter and pavement of 6,500 feet. He recommended that the bid be awarded to Jones Brothers Dirt and Paving in the amount of \$2,995,331.15 which was 33% higher than the engineer's estimate. It would take 90 working days for completion of the project. Council member Goates stated that the projected needed to be done.

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

Bid award to construct 14th Street accessibility improvements for pedestrians. Mr. Shakyaver stated that the improvements would extend from County Road West to Golder. It would replace the curb and gutter, sidewalks and ADA ramp. He recommended the bid be awarded to Onyx Contractors in the amount of \$144,099 which was 21% higher than the engineer's estimate. Funds in the amount \$83,000 would come from the CDBG grant.

Motion was made by Council member Graff and seconded by Council member Combs that the bid award be approved. The motion was approved by unanimous vote.

PUBLIC HEARINGS

Open a public hearing to consider amending the boundary line between two Single Member Districts (SMDs) Audiencia pública para considerar enmendar los limites en medio de dos distritos del concejo municipal. Mr. Long stated that a single boundary line would be moved from precinct 412 to precinct 305. The area is school property with no people living in the block. 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 Election Precinct Boundaries and Polling Places - Audiencia publica para considerar los distritos electorales y las casillas electorales. Mr. Long stated that the recommended polling places were for all Council districts based on the 2010 census. No one came forward and the public hearing was closed.

Motion was made by Council member Graff 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 for the request of MCM Properties II, Ltd., owner, S. W. Howell, Inc., agent, to rezone from Planned Development-Light Commercial-Drill Reservation (PD-LC-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. 42nd St. and Tanglewood Ln.) Marwan Khoury, Director of Planning, reviewed the location which is currently used as a car dealership. The purpose is to rezone the property for a future CVS pharmacy.

The Planning and Zoning Commission recommended for approval. 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 first approval. The motion was approved by unanimous vote.

The next item was taken out of order.

Open a public hearing for the 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, T&P Ry. Co. Survey, Ector Co., Texas (west of the intersection of Billy Hext Rd. and Stonehenge Rd.) Mr. Khoury reviewed the location of the property. The plan would be to develop townhomes on the property. The site plan would be submitted at a later time. The Planning and Zoning Commission recommended for approval. 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 for the request of the City of Odessa, owners, to rezone from Planned Development-Office (PD-O) to Office (O), Lot 4, Block 2, North Park Addition, 2nd Filing (555 E. 92nd St.) Mr. Khoury reviewed the location property. The rezoning change was proposed to office to add flexibility for the usage. It was a fire station and currently an association meets at the building for meetings. The Planning and Zoning Commission recommended for approval. 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 tabled. The motion was approved by unanimous vote.

Open a public hearing for the request 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.) Mr. Khoury reviewed the location of the requested antenna to be placed on the property. If the antenna falls, it would fall on the same owner's property. A representative from AT&T was present and stated that the antenna was designed for multiple carriers. The Planning and Zoning Commission recommended for approval. 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.

Open a public hearing for the 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.) Mr. Khoury reviewed the location of the property. The amendment would allow an automatic carwash. On the south and east side of the property a seven foot cinder block fence would be erected. The carwash would

maintain four to five people at all times during operation hours. Council member Goates stated due to the water shortage, a water well should be used. Kriston Crow, 2388 Bainbridge, stated that city water would be used but a water well could be used. Robert Wilber stated that the automatic car wash was a friction machine which would use less water. It would also reclaim and recycle the water of each wash. The machine has noise silencers that would deflect the noise. Council member Graff was concerned that due to the drought and water restrictions, this was not the time for a car wash. The Planning and Zoning Commission recommended for approval. No one else 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 with the condition of requiring the use of a water well be approved on first approval. The motion was approved by a 3-1 vote. Council member Graff casted the nay vote.

ORDINANCES

Amend Section 8-1-2 of Chapter 8, "Offenses and Nuisances" of the City of Odessa, Code of Ordinances. Police Chief Tim Burton stated that the amendment would prohibit the use of a pellet or bb gun between the hours of 9 p.m. to 7 a.m. due to property damage over the past year. He stated that the officers must catch people in the act to be held accountable for their actions.

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

Adding Section 4-8-5-1 and amending 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. Chief Burton stated that adding scrap metal and electronic gaming to the ordinance would require pawn shops to submit a record of these type of items if purchased. The record would be submitted online and was free of charge. It would better track the items if stolen. Currently, there are not any businesses in the city limits that purchase scrap metal.

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.

MISCELLANEOUS

Appointment of Boards. Community Development Advisory Committee and Traffic Advisory Committee. Appointment of Officers. Board of Survey, Odessa Development Corporation, Permian Basin MH/MR Board of Trustees, Zoning Board of Adjustment, and Parks and Recreation Advisory Board. Motion was made by Council member Goates and seconded by Council member Combs that the following be appointed:

Kathleen McCulloch, Eddy Shelton and Vickie Gomez be reappointed to the Board of Survey;

Richard "Buzz" Browning be appointed to the Odessa Development Corporation; and John Landgraf be reappointed to the Permian Basin MH/MR Board of Trustees.

Motion was approved by unanimous vote.

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

There was no other business, the meeting adjourned at 6:45 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC
City Secretary

Larry L. Melton
Mayor