



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
MARCH 13, 2012**

On March 13, 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; Dean Combs, District Four; and Sandra Carrasco, District Five.

Members absent: Mayor Larry L. Melton and Council member Barbara Graff, District Three.

Others present: 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 Pro Tem Goates called the meeting to order and the following proceedings were held:

The invocation was given by Mrs. Grimaldo and followed by the Pledge of Allegiance to the United States and Texas flags.

Dr. Tom Tenner presented the City of Odessa with a plaque for being one of the heart healthiest cities and reaching the bronze level. Volunteers received a certificate for assisting with the program. Mayor Pro Tem Goates commended the hospitals and the County Commissioners for their role in this award.

CONSENT AGENDA ITEMS

- A. City Council Minutes, February 28, 2012;
- B. **Resolution No. 2012R-18 – Appropriate revenue received by the Odessa Police Academy Class #4;**
- C. **Ordinance No. 2012-11 - Request of Randolph E. Correa, owner, S. W. Howell, Inc., agent, for original zoning of Retail (R) on approximately 1.01 ac. tract of land in Section 8, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (southeast of the intersection of E. Loop 338 and E. 52nd St.);**
- D. **Ordinance No. 2012-12 – Request of DJK, Inc., owner, S. W. Howell, Inc., agent, for original zoning of Neighborhood Service (NS) on approximately 1.03 ac. tract of land in Section 10, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (northwest of the intersection of Dorado Dr. and Mission Blvd.);**
- E. **Ordinance No. 2012-13 – Request of DJK, Inc., owner, S. W. Howell, Inc., agent, for original zoning of Multi-Family-One (MF-1) on approximately 13.7 ac. tract of land in Section 10, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (northwest of the intersection of Dorado Dr. and Mission Blvd.);**
- F. **Ordinance No. 2012-14 – Amend Chapter 8, Article 8-5 “Nuisance Water” of the City Code.**

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

OTHER COUNCIL ACTION

BID AWARD

Bid award to perform the 2012 sealcoat program. Ajay Shakyaver, City Engineer, stated that there were two project areas that would be sealcoated. He recommended the bid be awarded to Ronald R. Wagner and Co. in the amount of \$1,233,245.84.

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

Bid award to construct CIP Water and Sewer Line Replacements Phase 6A project. Mr. Shakyaver stated that the lowest bid was 8.5% below the engineer's estimate. He recommended that the bid be awarded to Smithco Construction Inc. in the amount of \$2,544,110. After this project, the CIP program would be half way complete.

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

PUBLIC HEARINGS

Open a public hearing to consider approval of the request of Virgil Trower & Assoc., Inc., owner, for original zoning of Single Family-Three (SF-3) on approximately 8.1 ac. tract in Section 34, Block 42, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (northeast of the intersection of E. 94th St. and Rainbow Dr.) Marwan Khoury, Director of Planning, reviewed the location of the property. The area is vacant and would be developed for single family. There would be 28 lots in this area. 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 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 Virgil Trower & Assoc., Inc., owner, to rezone from Single Family-Three (SF-3) to Single Family-Three-Drill Reservation (SF-3-DR) on approximately 3.1 ac. tract in Section 34, Block 42, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (northwest of the intersection of E. 94th St. and Rainbow Dr.) Mr. Khoury stated that there were two protests. He reviewed the location of the property. The rezoning would be for single family-three drill reservation. There were single family homes next to the property. He reported that the plan for this location was established in 1959 for a drill site. The Planning and Zoning Commission recommended for approval. Mr. Long explained the purpose of a drill site. There were a number of drill sites in Odessa. A long term plan agreement was filed with the County on specified land. A drill-reservation has restrictions. It has been a successful tool for the City and provides consistency. Susan Stricklin, 310 E. 95th St, expressed concerns with health issues. She stated that it takes away the choice from the neighbors living next to the drill site. She requested that the drill site not be passed. Council member Cleaver stated that a permit

must be obtained if drilling would occur. Mr. Long reported that before drilling, the company must apply and it would be reviewed by Public Works and the Legal Departments. The city manager may put restrictions if deemed appropriate. Restrictions could include spacing, noise buffer, fencing and monitoring. He stated that the City could not deny access to mineral rights. Jack Stricklin, 910 E. 95th St., stated that they did not know about the possible drill site. He stated many new homes have young families and they have not heard of the possible drill site until the notice they received in the mail. Mr. Khoury stated that the real estate agent should have told them. Mayor Pro Tem Goates stated that the ownership has their rights based on the agreement. Mr. Khoury stated there were 124 drill sites in the City and most have not been drilled. No one else 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 transfer of Independent Taxi franchise to Korieck Bruns. Mr. Long stated that five taxis expire in July 2013. Korieck Bruns requested that the franchise be transferred. He reported that Chief Burton reviewed and met with the applicant. Chief Burton's recommendation was to deny due to the conviction and lack of experience. Information was given to Chief Burton but was not the information requested. Donald Bruns, 8109 San Antonio, stated his wife, the applicant, wanted the opportunity to run the taxi business in order to save the 14 jobs. The financial resources were invested as well as the insurance bond, new building and tower. He stated that she has ran other businesses including a restaurant and D and K. He read a letter from her child stating that she was a strong woman with strength. Pastor Joe Freeman, 2609 Beechwood, stated that many people make mistakes but they should be given the opportunity for a second chance. Korieck Morris Bruns, 8109 San Antonio, stated that mistakes were made but was a good person and wanted to do what was right. She was qualified with running other businesses. Mr. Long stated that the requirements for a taxi franchise were financial ability, manage and run the business and character of the applicant. Deputy Chief Orras reported that the denial was based upon the convictions, which was against the criteria of standards set by prior Council. The department was obligated to follow the criteria to protect the people. He stated that the information received by the Chief was not relevant to what was asked. The conviction was a Class B misdemeanor.

Motion was made by Council member Combs and seconded by Council member Carrasco that the ordinance be tabled. The motion was approved by a 3 – 1 vote with Mayor Pro Tem Goates casting the nay vote. Council member Combs encouraged Mrs. Bruns to submit the requested information to satisfy the Chief's concerns.

ORDINANCE

Amend Article 3-12 Floodplain Management in the City Code of Ordinance. Mr. Shakyaver stated that the City would be in compliant with the adoption of the amended floodplain study and rate map. There was a 5% change on the flood plain.

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.

Abandon 94th Street, Andrews Hwy. one block East. Mr. Shakyaver stated that a small segment of roadway would be abandoned. The twenty foot easement would be retained.

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.

Abandon alley in Block 16, Original Town. Mr. Shakyaver stated it was the alley east of City Hall. The plan is for development and extend infrastructure. The church would be responsible for relocating the utilities.

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

RESOLUTION

Resolution No. 2012R-19 –Allocate Hotel/Motel funds to assist in the purchase of a sculpture piece for Freedom Park. Steve Patton, Director of Parks and Recreation, stated that the request of \$40,000 would be to beautify the park system. It would assist in paying for the statue that commemorates women in war time, Forever Remember. It would be 1.5 life-size scale at Freedom Park. Karen Johnson, 2517 Bobwhite, stated that public art contributes to the quality of life. She thanked Dick Gillham for his support. The statue would honor the service of women at home and abroad.

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

MISCELLANEOUS

Appointment of Boards. Parks and Recreation Advisory Board, Citizens Golf Advisory Committee and Tax Incentive Committee. Appointment of Officers. Building Board of Appeals and Board of Survey. Motion was made by Council member Combs and seconded by Council member Carrasco to reappoint the following:

David Boutin to the Citizens Golf Advisory Committee
Fred Crawford to the Citizens Golf Advisory Committee
Bob Carlson to the Citizens Golf Advisory Committee
Willie Taylor to the Tax Incentive Committee
Bill Cleaver to the Tax Incentive Committee
John Shefchick to the Building Board of Appeals

The motion was approved by unanimous vote.

Citizen's comments on non-agenda items. BJ Blackstock, 29 Capistrano Ct., has a water well. He received a warning of water nuisance but insisted that it was not fair since water runs down hill. Mayor Pro Tem Goates stated that Mr. Marrero would discuss the issue with him after the meeting.

There was no other business, the meeting adjourned at 7:12 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC
City Secretary

James B. Goates
Mayor Pro Tem