



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
FEBRUARY 28, 2012**

On February 28, 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 Pastor Marcus Zuniga, New Life Chapel, and followed by the Pledge of Allegiance to the United States and Texas flags.

CONSENT AGENDA ITEMS

- A. City Council Minutes, February 14, 2012;
- B. **Ordinance No. 2012-08 – Allow employees who have previously terminated a membership in TMRS by withdrawal of deposits while absent from service to redeposit the amount withdrawn into TMRS thereby allowing the employee credit for all service since termination of membership;**
- C. Purchase a vactor sewer cleaner truck from Freightliner in the amount of \$248,000;
- D. **Ordinance No. 2012-09 – Franchise to operate a shuttle service by Midland Shuttle Services, Inc.;**
- E. North Central Texas Council of Governments inter-local agreement and marketing agreement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America;
- F. Reject the bid for 14th Street accessibility improvements;
- G. Barron Service Parts Co./Napa Auto Parts contract for on-site fleet parts management and supply services;
- H. **Resolution No. 2012R-14 – University of Texas of the Permian Basin (UTPB) for street services;**
- I. **Resolution No. 2012R-15 – Grant applications with the Permian Basin Regional Planning Commission (PBRPC) for regional solid waste grants;**
- J. Review monthly financial summary report for January 2012

Council member Goates complimented Mark Simpson, Director of Purchasing, and Doug Hildebrand, Director of Equipment Services, on their work with the Barron/Napa contract.

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

OTHER COUNCIL ACTION

PUBLIC HEARINGS

Open a public hearing to consider approval of the 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.). Marwan Khoury, Director of Planning, reviewed the location of the property. The area is vacant and its purpose would be for future retail. 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 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 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.) Mr. Khoury reviewed the location of the property. The area is vacant and would be developed for neighborhood services such as convenience stores and gas stations. 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 to consider approval of the 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.) Mr. Khoury reviewed the location of the property. The property is vacant and would be zoned for a multi-family for future development of an apartment complex. 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 to consider approval of the request of Clyde Hinton, owner, for annexation to the City of Odessa of approximately 145.98 ac. of land in Sections 34 and 39, Block 42, T-1-S, T&P Ry. Co. Survey, Ector Co., Texas (east of the intersection of E. 89th St. and Rainbow Dr.), and The Morrison Group, owner, for annexation of approximately 3.1 ac. (2.98 ac. tract and 0.11 ac. tract) in Section 16, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (north of the intersection of Business IH-20 and

Club Dr.) Mr. Khoury reviewed the location of the properties. No one came forward and the public hearing was closed.

Open a public hearing to consider the adoption of an ordinance to ban the use of single use plastic bags at the point of sale within the City of Odessa. Mr. Marrero stated that the proposed ordinance would prohibit the use of single used trash bags. He provided a definition of the plastic bags. It would reduce the amount of litter in the city which snags on fences, lots and bushes. It was proposed to abandon the use of plastic bags voluntarily immediately and transition to enforcement on January 1, 2013. There are three Texas cities that have banned the single use plastic bags. The City of Brownsville has had the ordinance in effect for over a year. It has been a visible improvement. The violation would be a Class C misdemeanor.

Ben Farmer, 1406 Shafter, stated that the City doesn't need government to impose the banning of plastic bags. The simple solution is for people to pick up the bags. He would be coordinating a city-wide trash pick-up. Ross Groening, 1428 Custer, stated that banning the plastic bags would cost the consumers money. The bags were used at home for different purposes. The citizens who walk could carry the plastic bags with the handles as opposed to the paper bags that leak. The reusable bags would cost more and the prices would go up for the consumers. It would not be healthy with fluids that may soak into the bag. The issue was a community issue and education needed to be made. Mickey Jones, representing Bobby Cox Companies, stated that Bobby Cox was community resident for 40 years and owns eleven businesses in Odessa. He applauded the Council for addressing the issue but requested that the restaurants be exempt from the ban. He reported that the Texas Food established rules for the restaurant owners to follow. Reuse bags were not allowed due to possible cross contamination. He reported that items in paper sacks may get dumped out and not practical for use. Mary Lou Mitchell, 3013 Galahad, has picked up trash along with a six year old child. She supported the ban. Jerry Morales, Permian Basin Restaurant Association representative, stated that the Restaurant Association from the regional level and State level has not studied the issue. He requested that the issue be deferred and allow the businesses and association to come up with a solution. He stated that education was important and there is not one better than the other when it came to paper or plastic. Jim Rector, 7100 Tobosa, commended the Council on addressing the issue. He supported the ban of the single use plastic bags. Gino Solla, #41 Cibola Court, dumped out a box of trash that was picked up for the city. He reported that the Ector County Health Department has initiated an environmental enforcement. He has experienced a number of citizen complaints. With the winds, trash flies everywhere and may fuel a fire. He supported the ban. Council member Cleaver stated that there is other trash as well including styrofoam, paper, and bottles. Dan Townsend, San Antonio, was a broker of plastic bags. He stated that there is a big difference in price on paper and plastic bags. He showed the different types of paper bags and the new bag that would fit the to-go containers would cost more. Council member Cleaver stated that four times of plastic bags could be purchased as same as paper. Council member Goates stated that this was a personality problem. He stated that people do not care about the town and was tired of Odessa being the trashiest town in Texas. He stated that people need to pay attention and the trash is more than just plastic bags. He suggested working on a proposal.

Motion was made by Council member Goates and seconded by Council member Combs that the ordinance be tabled and initiate a task force of the Odessa and Midland mayors, county judges to address the issue. The motion was approved by unanimous vote.

ORDINANCE

Consider amending Chapter 8, Article 8-5 "Nuisance Water" of the City Code. Merita Sandoval, Director of Community Development, stated that the amended proposal would include all sources of water and clarify who will be served. It would also allow leaving the notice of violation on the property instead of sending a certified letter that costs over ten dollars to mail. The code enforcement officers would make two attempts and then post the notice on the property. A picture would be taken of the notice on the door.

Motion was made by Council member Graff and seconded by Council member Cleaver to amend the ordinance to shorten the two attempts to one attempt of notice. Council member Graff stated that one attempt is sufficient. Council member Goates called the question. The amended motion was approved by unanimous vote. Motion was made by Council member Goates and seconded by Council member Graff that the amended ordinance be approved on first approval. The motion was approved by unanimous vote.

Ordinance No. 2012-10 - Authorize the issuance of City of Odessa, Texas, General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$7,350,000; providing for the award of the sale thereof in accordance with specified parameters; authorizing the execution and delivery of a purchase contract relating to said bonds; authorizing the execution and delivery of a paying agent/registrar agreement and an escrow agreement; authorizing the approval of an official statement; and enacting other provisions relating thereto. Mr. Zentner stated that the financial advisor reviewed the City's bond and determined a cost savings would be achieved if they were refunded. He reviewed the two bonds that would be refunded with an anticipated savings between \$80,000 to \$90,000. Mr. Morton or Mr. Zentner would be authorized to sign the sale the bonds, if the parameters were met. There is not negative side to refunding the bonds, only if they were not sold.

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

RESOLUTION

Resolution No. 2012R-16 – Amend the Summit Texas Clean Energy Economic Development agreement, irrevocable guarantee agreement and delineation of draw conditions. Mr. Long stated that Summit requested to delay to change the date of financial closing from March 1, 2012 to September 30, 2012 and to change the date of full employment from December 31, 2015 to June 30, 2016 and it would be tied to an annexation or an industrial district contract.

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

Resolution No. 2012R-17 – Suspend the effective date of Atmos West Texas' proposed rate increase. Mr. Morton stated that Atmos filed a rate increase. It is recommended to suspend the filing for the West Texas cities to review the case.

Motion was made by Council member Graff 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 and Midland Odessa Urban Transit District. Appointment of Officers. Building Board of Appeals and Board of Survey. Motion was made by Council member Goates and seconded by Council member Cleaver to reappoint Chris Flores to the Midland Odessa Urban Transit District. The motion was approved by unanimous vote.

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

There was no other business, the meeting adjourned at 6:51 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC
City Secretary

Larry L. Melton
Mayor