



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS**

SEPTEMBER 24 2013

On September 24, 2013, a regular meeting of the Odessa City Council was held at 6:54 p.m., in the Council Chambers, 5th Floor, City Hall, 411 West 8th Street, Odessa, Texas.

Members present: Mayor David R. Turner; Council members: Roger T. McNeil, District One; Dewey Bryant, District Two; Barbara Graff, District Three; Dean Combs, District Four; and 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 Turner reconvened the meeting to order and the following proceedings were held:

The invocation was given by Mayor Turner, and followed by the Pledge of Allegiance to the United States and Texas flags.

CONSENT AGENDA ITEMS

- A. City Council minutes, September 10, 2013;
- B. **Resolution No. 2013R-70 - Authorize the City to accept a Federal Government grant to provide partial payment for bulletproof vests;**
- C. **Ordinance No. 2013-51 – Amending Section 4-14-2 of the video gaming ordinance;**
- D. Bid award to Chameleon Industries, Inc. for liquid aluminum sulfate in the amount of \$193,237.50 for the Water Treatment Plant;
- E. Bid award to Brenntag Southwest, Inc. for 40% liquid aluminum sulfate in the amount of \$72,800 for the Water Treatment Plant;
- F. **Resolution No. 2013R-71 - Request by Odessa Affordable Housing, Inc. for an extension of time to expend 2012 CDBG funds that were allocated for their Minor Repair Program;**
- G. Renew janitorial services contract with Professional Janitorial Services in the amount of \$217,531;
- H. Review monthly financial summary report for August 2013;
- I. **Resolution No. 2013R-72 – Odessa Development Corporation annual contracts and any necessary budget amendments related to such contracts.**

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

OTHER COUNCIL ACTION

BID AWARD

Bid award of City contract to construct C.I.P. Water & Sewer Line Improvements Phase 11A, Section 15 South. Matt Squyres, Director of Public Works, stated that three bids were received. He recommended that the bid be awarded to Smithco Construction in the amount of \$2,563,735.

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

Resolution No. 2013R-73 - Bid award of City contract for Water Main Extension Easterly Along Yukon Road & Faudree Road/ROW & Extension of Sewer Line "P" Along Faudree Road. Mr. Squyres stated that the bid award would continue improvements with the water/sewer line. The lowest bid was Smithco, a New Mexico contractor, but Texas law requires that the 5% be given to the Texas contractor which was TEC Excavation which is \$20,000 more than the lowest bidder. He recommended the bid be awarded to TEC Excavation in the amount of \$4,471,572.

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

PUBLIC HEARING

Open a public hearing to consider approval of the request of DJK, Inc., owner, RSP Permian, lease/agent, for original zoning of Future Development-Drill Reservation (FD-DR) on approximately 2.1 ac. tract in Section 11, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (northeast of the intersection of Old Bankhead Hwy. and S. Co. Rd. 1305) Randy Brinlee, Director of Planning, reviewed the location which was vacant. The purpose was for a drill site. It would incorporate buffering standards. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Bryant seconded by Council member Carrasco to approve the ordinance on first approval. The motion was approved by unanimous vote.

Open a public hearing to consider approval of the request of SJL Partners, owner, for original zoning of Planned Development-Light Industrial (PD-LI) on approximately 9.01 ac. tract in Section 27, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (south of the intersection of IH-20 and Faudree Rd.) Mr. Brinlee reviewed the location which was vacant. It was not out of scale for the area. The Planning and Zoning Commission recommended for approval with conditions. No one came forward and the public hearing was closed.

Motion was made by Council member McNeil seconded by Council member Combs to approve the ordinance 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, for original zoning of Planned Development-Light Industrial, Lot 6, Block 8, Leeco Industrial, 14th Filing and original zoning of Planned Development-Light Industrial-Drill Reservation (PD-LI-DR), Lots 7 and 12, Block 8, Leeco Industrial, 14th Filing (south of the intersection of IH-20 and Lufkin Rd.). Mr. Brinlee reviewed the location of the property. It would be used for drill sites. The Planning and Zoning Commission recommended for approval with conditions. No one came forward and the public hearing was closed. The streets would be paved and would have a 50' to 60' right-of-way.

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

Open a public hearing to consider approval of the request of Las Colinas Energy Partners, owner, Landgraf, Crutcher & Assoc., agent, for original zoning of Special Dwelling District (SPD) on approximately 5.15 ac. tract and original zoning of Office (O) on approximately 6.25 ac. tract in Sections 9 and 16, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (northeast corner of the intersection of Eastridge Rd. and Parks Legado Rd.) Mr. Brinlee reviewed the location of the property. The zoning would be used for townhouses on 5.1 acres and offices on 6.25 acres. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Bryant seconded by Council member Carrasco to approve the ordinance on first approval. The motion was approved by unanimous vote.

Ordinance No. 2013-52 - Open a public hearing to consider amending Section 10-104(2)(c) of the Zoning Ordinance to regulate the parking or storing of certain commercial vehicles and trailers in certain zoning districts. Mr. Long stated that in order to promote the beautification and increase safety, this ordinance would prohibit the parking or storage of any length commercial or non-commercial trailers on streets, sidewalks or alleys in residential zoning districts for more than 72 hours. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Bryant seconded by Council member McNeil to approve the ordinance on second and final approval. The motion was approved by unanimous vote.

Ordinance No. 2013-53 - Open a public hearing to consider amending Article 12-3 of the City Code of Ordinances by adding Section 12-3-14 entitled "Recreational Vehicle Parking". Mr. Long stated that this would promote beautification and safety of the neighborhoods. The amendment would prohibit the parking of a recreational vehicle on a street in a residential zoning district for more than three days in a 30-day period. No one came forward and the public hearing was closed.

Motion was made by Council member Combs seconded by Council member Carrasco to approve the ordinance on second and final approval. The motion was approved by unanimous vote.

ORDINANCE

Ordinance No. 2013-54 – Levying the tax for the 2013 tax year. Mr. Zentner stated that this is the second and final approval for levying the tax. The proposed tax rate was 51.2750 cents per \$100 valuation.

Motion was made by Council member Combs that the property tax rate be increased by the adoption of tax rate of \$0.512750, which is effectively a 15.794% increase in the tax rate and seconded by Council member McNeil. The motion was approved by unanimous vote.

RESOLUTION

Water contract with the City of Fort Stockton. Motion was made by Council member Bryant seconded by Council member Combs to table the water contract with the City of Fort Stockton. The motion was approved by unanimous vote.

MISCELLANEOUS

Appointment of Boards: Cable Franchise Committee. Appointment of Officers: Building Board of Appeals, and Planning and Zoning Commission. Motion was made by Council member Bryant and seconded by Council member Carrasco that Cruz Castillo be reappointed to the Building Board of Appeals. The motion was approved by unanimous vote.

Evaluate performance of Council Appointees (executive session 551.074). Motion was made by Council member Bryant seconded by Council member McNeil to go into executive session under 551.072. The motion was approved by unanimous vote.

Upon returning from executive session, motion was made by Council member Bryant seconded by Council member McNeil to come out of executive session. The motion was approved by unanimous vote. Mayor Turner stated that no action was taken in executive session.

Motion was made by Council member Carrasco and seconded by Council member Graff that each of the City Council Appointees, City Manager, City Attorney, City Secretary, Municipal Court Judge and Associate Municipal Court Judge, be given a 5% salary increase. The motion was approved by unanimous vote.

Citizen's comments on non-agenda items. None

There was no other business, the meeting adjourned at 8:23 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

David R. Turner
Mayor