



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

**AUGUST 27, 2013**

On August 27, 2013, 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 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 called the meeting to order and the following proceedings were held:

The invocation was given by Rabbi Holly Cohn, Temple Beth El, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Turner presented a proclamation for Permian Basin Fair Days.

**CONSENT AGENDA ITEMS**

- A. City Council minutes, August 13, 2013;
- B. **Resolution No. 2013R-58 - Authorize the City of Odessa Police Department to accept a BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program;**
- C. **Resolution No. 2013R-59 – Authorizing the Odessa Police Department to accept a STEP Speed, Intersection Traffic Control, and Seat Belt Grant;**
- D. **Resolution 2013R-60 – Donate two animal control response trucks and related equipment to Ector County for law enforcement purposes related to animal control;**
- E. **Resolution 2013R-61 – Authorize the Odessa Police Department to accept a one year grant from the Attorney General's Office for a Crime Victim Liaison;**
- F. **Ordinance 2013-43 – Request of Jack N. Mousa Ltd., owner, LCA, agent, for original zoning of Special Dwelling District (SPD) on approximately 125 ac., original zoning of Retail (R) on approximately 19 ac. and original zoning of Special Dwelling District-Drill Reservation (SPD-DR) on approximately 10.0 ac. [three (3) sites] in Section 38, Block 42, T-1-S, T&P Ry. Co. Survey, Ector Co., Texas (northwest corner of the intersection of E. 87th St. and E. Loop 338);**
- G. **Ordinance 2013-44 – Request of Wyly Brown Construction Co., owner, for site plan approval of a Planned Development-Housing (PD-H) District, approximately 8.1 ac. tract in Section 17, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas**

**(southwest of the intersection of Eastridge Rd. and proposed Jericho Rd.)**

- H. **Resolution 2013R-62 – Industrial district agreement with the owner of 23.2 acres located in Lot 1, Block 1, Pagewood Industrial Subdivision, 1st Filing, Ector County, Texas;**
- I. **Ordinance 2013-45 – Revising the fee/rate structure at Ratliff Ranch Golf Links;**
- J. Contract renewal with Ewing Irrigation and Benchmark Supply for the purchase of irrigation supplies;
- K. Contract renewal with Galls for the purchase of Police Department uniforms;
- L. **Resolution 2013R-63 – Review and approve the City's Investment Policy and the Approved Brokers/Dealers & Financial Institutions List;**
- M. Review monthly financial summary report for July 2013.

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

#### **OTHER COUNCIL ACTION**

**Purchase of refuse trucks.** Doug Hildebrand, Director of Equipment Services, stated that due to the growth of the city the purchase would be for 11 new refuse trucks with four new additional trucks added to the fleet. He recommended the purchase from Rush Truck Center and Chastang's Bayou Center Autocar in the amount of \$2,714,619.

Motion was made by Council member Combs and seconded by Council member Graff that the recommended purchase for the refuse trucks be approved. The motion was approved by unanimous vote.

#### **PUBLIC HEARING**

**Open a public hearing to consider approval of the request of Precision Drilling Corp., owner, John Mason, representative, for original zoning of Planned Development-Light Industrial (PD-LI), Lot 5, Block 8, Leeco Industrial, 14th Filing (south of the intersection of IH-20 and Lufkin Rd.)** Randy Brinlee, Planning Director, reviewed the location of the property which was vacant. The Planning and Zoning Commission recommended for approval with certain conditions. He reviewed the conditions. No curb and gutter was required. It would require a lot of repair. Council member Graff stated that it should be required and paid by the developers and not the taxpayers. 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 first approval. The motion was approved by unanimous vote.

**Open a public hearing and consider approval of the request of Apollo Perforators, Inc., owner, for original zoning of Planned Development-Light Industrial (PD-LI) on approximately 21.21 ac. tract in Sections 21 and 22, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (southwest corner of the intersection of Business IH-20 and proposed Faudree Rd.)** Mr. Brinlee reviewed the location of the property which was

vacant. The area would be for industrial development. The Planning and Zoning Commission recommended for approval. This would not have curb and gutter. No one came forward and the public hearing was closed.

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

**Open a public hearing and consider regulating trailers allowed to park in certain zoning districts.** Mr. Long stated that that the current ordinance prohibits 32' trailers parking in streets. That was viewed too large. He recommended that the trailer length be 19'. The Planning and Zoning Commission recommended for approval. The trailers would be barred from front yard and side yard parking. The trailers could be parked in the back yard.

Susie Edwards, 1828 Cody Place, stated that her trailer exceeds 19' but it was contained in the driveway and the street was a cul-de-sac. It was not feasible to unhook and place in the back yard. The trailer was used often. Thurman Runnels, 3937 Hadden Dr., stated that there were three utility trailers, a pontoon and a RV on his street which were parking on the street. Mr. Morton stated that if the city could address it a possible barrier could be placed. Mr. Long stated that it couldn't be parked in a residential street if it is over 19' unless it was in the back yard. There was a provision for a delivery trailer to be allowed in the street. He was reviewing the length of time for storage. No one else came forward and the public hearing was closed.

**Open a public hearing and consider regulating recreational vehicle parking.** Mr. Long stated that parking was difficult and causing vision problems. The regulation of recreational vehicle would bar them from parking on the street. They could be parked in the yard or back yard. The proposed ordinance would not allow parking recreational vehicles on the street. He asked Council for direction on how long they would allow the recreational vehicles on the street. Council member Graff was concerned with the narrow streets in her district. The streets were used as parking. The Council had a consensus that three days would be enough to allow recreational vehicles on the street. No one came forward and the public hearing was closed.

**Open a public hearing for the red light traffic safety cameras.** David Jackson, ATS, stated that the traffic camera program's objective was to change behavior. It would prevent incidents and the vendor does not have a role with the citations. The police officer would review the video and make a decision if a violation was made. He reported that results in incidents were dropped by 24% when the cameras were used. A study in 2008 was done and it was effective. It would bring public awareness. Mr. Jackson explained how the camera works. The video has an investigative value if necessary. The citation would be mailed to the owner of the video. The violator had the opportunity to view the video with a pin number on the internet. He stated that a transfer of liability could be done. A signed affidavit from the car owner with the citation could be redirected to the driver.

Conrad Turner, 3984 Lakeside, asked how much money would go to the vendor and State. Mr. Morton stated that the company takes the financial risk. Half of the fee goes to the State and the other half goes to the city. Mr. Jackson stated that State law does not allow the vendor to receive any funds from the citation. ATS would take the risk and charges the city a flat fee per month which does not relate to a number of citations. Ben Upton, 2901 Kirkwood, did not support the cameras. He stated it was a generating revenue device even if it was a flat rate. The money should be used elsewhere and the officer should be out on

the streets instead of watching the videos. Zach Flowers, 3979 Lakeside, an 8<sup>th</sup> grader, would feel safe to cross the street from Nimitz Junior High. Mark Flowers, 3979 Lakeside, stated that the cameras were essential for our community for effective enforcement. He stated that citizens have to be responsible and would be more in compliance to the rules. No one else came forward and the public hearing was closed.

**Open a public hearing and consider the synthetic drug ordinance.** Mr. Long stated that the current definition of synthetic drugs was changing and would be monitored. There was misbranding with statements on package labeling such as “not for human consumption” may be disregarded when other relevant factors indicate that the product is intended to be consumed or ingested by humans. The proposed ordinance would establish ones and use to project the children. He stated that this was ever changing but does not inhibit state law. No one came forward and the public hearing was closed.

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

**Open a public hearing for the 2013-14 Annual Budget.** Mr. Zentner stated that proposed revenues were \$174,398,501 and expenditures were \$168,977,124 plus \$7,064,949 for equipment replacement. The budget went up by 4.68% from last year. The proposed tax rate was 51.2750 cents. This budget adds 18 new positions to meet the growth of our city. No one came forward and the public hearing was closed.

**Open first public hearing on proposed tax rate.** Mr. Zentner stated that the proposed tax rate was 51.2750 cents the same as last year. The second public hearing will be held September 10 with the first consideration on September 17 and the final consideration on September 24. No one came forward and the public hearing was closed.

## ORDINANCES

**Ordinance No. 2013-46 - Consider and take action on an Ordinance authorizing the issuance of City of Odessa, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013 in an aggregate principal amount not to exceed \$55,000,000; levy a tax and providing for the payment there of; authorizing the execution and delivery of a purchase contract relating to said bonds; authorizing the execution and delivery of a paying agent/registrar agreement; authorizing the approval of an official statement; and enacting other provisions relating thereto.** Mr. Zentner stated that \$51,335,000 would be issued in combination tax and revenue certificates. The notice was published on July 21 and July 28. It would take 20 years to mature. Street and park projects would be funded. George Williford, First Southwest financial advisor, stated that the city received a “AA” from Standard and Poor and “Aa2” from Moody. The debt services would be about \$4 million a year with a cost interest of 4.236%.

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

**Ordinance No. 2013-47 - Solid waste rate changes.** Mr. Zentner stated that the solid waste increase would cover the added growth and address City Council's goal of a cleaner looking city.

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.

## RESOLUTION

**Resolution 2013R-64 – Odessa Development Corporation budget and General Development Plan.** Richard “Buzz” Browning, Vice-President of the Odessa Development Corporation, stated that proposed revenues would be \$7,667,000 with \$25,192,266 in expenditures. The expenditures hold the available funds that could be allocated for projects. Council member Carrasco asked why the Odessa Hispanic Chamber received \$45,000. Mr. Browning stated that there was no justification for the increase. He stated that it was a long time with no successful projects. Council member Carrasco stated that it was difficult to do anything with that amount of funds. Council member Graff stated that the Odessa Chamber of Commerce had a substantial increases and raises. She stated that businesses were still coming into town due to the economy. She asked how a group was expected to produce something with nothing and suggested funding the Hispanic Chamber \$100,000. Mr. Browning stated that the board would welcome the projects from the Hispanic Chamber and the funds could be reconsidered if projects were brought forward and came to fruition. The funds were operating funds and not project funds. Council member Combs stated that the Hispanic Chamber was put on notice last year due to the lack of results. Mr. Browning stated that it was discussed every year with each group and they had less than satisfying results. Council member Bryant stated that the Hispanic Chamber could take advantage of the infrastructure and use available resources by using and being housed at the Odessa Chamber of Commerce.

Manny Puga, President of the Hispanic Chamber, stated that both Chambers were needed with the growing population. The Hispanic Chamber compliments the Odessa Chamber of Commerce. He stated more funds were needed. An itemized budget was submitted. Council member Carrasco stated it was a difficult time to be evaluated. If funded there was an expectation to see results. Mr. Puga agreed that all should be held accountable. Council member Graff stated possibility of diversifying with using Mexico businesses. Mr. Browning reported that the board uses the funds to develop enterprise and it was spent wisely. If the board does not see a return on investment then it would not recommend funding. Mr. Long stated that the Council may make changes but the budget would go back to the ODC board for approval. Mr. Morton reported that the Odessa Chamber of Commerce has produced over \$30 million in payroll. The Hispanic Chamber has not produced one project in past years, therefore; funding was cut last year.

Motion was made by Council member Bryant seconded by Council member McNeil to approve the resolution. The motion was approved by a 3-2 vote with Councilmembers Graff and Carrasco casting the nay votes.

**Resolution 2013R-65 - Remove from the table and consider the approval of the use of additional General Fund Revenues to fund one-time supplement budget requests for FY 2012-13.** Motion was made by Council member Bryant seconded by Council member McNeil to remove the item from the table. The motion was approved by unanimous vote. Mr. Morton stated that there was \$5.9 million in excess revenues over expenditures. He requested to fund one time projects for various departments.

Motion was made by Council member McNeil seconded by Council member Carrasco to approve the resolution. The motion was approved by unanimous vote.

**MISCELLANEOUS**

**Appointment of Boards: Cable Franchise Committee. Appointment of Officers: Board of Survey and Zoning Board of Adjustment.** Motion was made by Council member Carrasco and seconded by Council member Bryant that Paul Weaver be reappointed to Board of Survey and Libby Campbell be reappointed as alternate to the Zoning Board of Adjustment. The motion was approved by unanimous vote.

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

There was no other business, the meeting adjourned at 7:16 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC  
City Secretary

David R. Turner  
Mayor