



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

MAY 28, 2013

On May 28, 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: Dewey Bryant, District Two; Barbara Graff, District Three; Dean Combs, District Four; and Sandra Carrasco, District Five.

Member absent: Council member Roger T. McNeil, District One.

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 Mayor Turner and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Turner presented a proclamation for Texas Scholars Day. The students were recognized for their volunteer hours.

CONSENT AGENDA ITEMS

- A. City Council Minutes, April 23, 2013;
- B. **Resolution No. 2013R-35 – Accept funding in the form of equipment from the State Homeland Security Grant Program FY12 grant program;**
- C. **Ordinance No. 2013-29 - Request of Gilbert Ramirez, leasee, Jim Golden, owner, for a specific use permit to allow an auto painting and body rebuilding shop in a Light Commercial (LC) Zoning District, Lots 1-4, Block 50, Original Town (northwest corner of the intersection of E. 2nd St. and N. Hancock Ave.);**
- D. **Ordinance No. 2013-30 – Amend Article 4-17-1 of Chapter 4 of the Code of Ordinances related to “Video Gaming”;**
- E. Purchase 16 APX 6000 handled portable radios and accessories from Motorola in the amount of \$73,224;
- F. **Ordinance No. 2013-31 – Atmos Energy Corporation franchise;**
- G. Review monthly financial summary report for April 2013;
- H. **Resolution No. 2013R-36 – Accept an assignment of easement from Charlotte Parks Kimberlin, Trustee (Parks Ranch Joint Venture);**
- I. Agreement between the Odessa (Ector) Parks Foundation and the City of Odessa for the expenditure of funds generated from the Utility Bill donation Program;
- J. Authorize a playground and installation project at Floyd Gwin Park

with the Odessa Parks Foundation.

Motion was made by Council member Combs and seconded by Council member Bryant that item I be removed from the table and item J be pulled from the consent agenda. The motion was approved by unanimous vote.

Motion was made by Council member Carrasco and seconded by Council member Graff the consent agenda be approved excluding items I & J. The motion was approved by unanimous vote.

OTHER COUNCIL ACTION

Resolution No. 2013R-37 – Agreement between the Odessa (Ector) Parks Foundation and the City of Odessa for the expenditure of funds generated from the utility bill donation program. Council member Graff wanted more information. She was not happy with the contract and changes needed to be made. She wanted more time to consider and table it further. She would like to have the Foundation under the city. Mr. Long reported that the Foundation would have to agree to come under the city. Council member Bryant stated that it gets tax free donations. Council member Graff didn't like the terms of the contract and it didn't live up to the past contract terms. She thought it was not effective for the Foundation to meet once a year and didn't agree with the termination language of the contract. Council member Bryant called for the question.

Motion was made by Council member Combs and seconded by Council member Bryant that the resolution be approved. The motion was tied with Council members Graff and Carrasco casting the nay votes. Mayor Turner broke the tie in favor of the resolution. The resolution was approved by a 3-2 vote.

Resolution No. 2013R-38 – Authorize a playground and installation project at Floyd Gwin Park with the Odessa Parks Foundation. Council member Graff requested more information on the form, endowment amount, funds spent on playground and other figures. Mr. Zentner explained the form. The Foundation has \$790,849.50 in endowment and \$131,990.12 for parks. Currently, the donation would be split 50/50 for endowment until it reaches \$1 million. It would then be split 20% endowment and 80% parks. The list of projects would be verified. James Goates, 20 St. Andrews, named the members of the Foundation. He reported that the Foundation was created in 1996 by the request of Louis Rochester for the purpose of donating to the parks. Board members were volunteers. Council member Graff wanted to see more publicized advertising. Dr. Goates stated a yearly flyer report was sent to every citizen who had a water account. The Foundation doesn't have funds to expend on advertising. Council member Bryant called for the question.

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

PUBLIC HEARING

Mrs. Grimaldo stated that each speaker would have three minutes to speak and there would be no assigning his or her time to another speaker. A 30 second warning will be given.

Open a public hearing to consider approval of the request of Jack Mousa, owner, Brett Norwich optionee, David Gregory, agent, to rezone from Special Dwelling District (SPD) to Planned Development-Retail (PD-R) approximately 3.99 ac. tract in Section 9, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (southwest corner of the intersection of Tres Hermanas Blvd. and Parks Legado Blvd.) Randy Brinlee, Planning Director, reviewed the location of the property, which was vacant. The purpose was to build a hotel and retail. He reviewed the site plan. The Planning and Zoning Commission recommended for approval with certain conditions. He reviewed the conditions. David Gregory was present to answer any questions. The entrance was at Tres Hermanas and Parks Legado. No one else came forward and the public hearing was closed.

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 Wyly and Fredna Brown Family Partnership, Ltd., owner, S. W. Howell, Inc., agent, for original zoning of Planned Development-Single Family-One (PD-SF-1) on approximately 4.64 ac. tract in Section 4, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (west of the intersection of Lamplight Lane and Royal Manor Dr.) Mr. Brinlee reviewed the location, which was vacant. The purpose was for single-family development. The Planning and Zoning Commission recommended for approval with certain conditions. No one came forward and the public hearing was closed.

Motion was made by Council member Bryant and 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 Real Property Resources, Inc., agent, for annexation to the City of Odessa of approximately 266.4 ac. tract in Section 34, Block 42, T-1-S, T&P Ry. Co. Survey, Ector Co., Texas (north and east of the intersection of 91st St. and Cabrillo Dr.) Mr. Brinlee stated that this item was for annexation. There have been two public hearings. No one came forward and the public hearing was closed.

Motion was made by Council member Combs and 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 amending the City of Odessa Zoning Ordinance Section 12-110 relating to illumination of permitted signs in a residential district. Mr. Brinlee stated that the amendment would allow for low sign illumination. It would provide for clarity of communication. The hours would be from 7:30 a.m. to 10 p.m. No one came forward and the public hearing was closed.

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

Open a public hearing and consider regulating the use of single-use plastic bags. Cheryl Helmers, 405 E. 42nd St, stated that a single dipper was used to drink water then for safety issues, a small folded paper cup was used, which was the beginning of trash. She uses cloth bags. She encouraged users to tie the plastic bags.

Larry Robinson, 2219 E. 8th St., discussed the annexation item. He stated that access was difficult to cross from 87th St. and any of the Lawndale area. The alternative routes were further distance. He requested to consider traffic control. In regards to the plastic bags, he was in favor of the ban. The image reflects badly in the city's entryways.

Gino Solla, 41 Cibola Court, favored the ban. The single-use waste originated in fast food restaurants. There was an unwillingness to properly seal the trash bags. He recommended that the designs of dumpsters be evaluated.

Teresa Sanford, 4161 Spartan, favored the ban. She recycles the bags. The ban would help the environment.

Sierra Sanford, 4157 Spartan, was against the bag use. She has recycled and stopped using the plastic bags. The plastic bags were made by fossil fuels and should not be used lightly.

Ronald Parks, 1405 Nabors, stated the bags were made from petrochemical. He favored the ban and uses cloth bags. He suggested that soccer leagues pick-up the empty bottles on the field and place in the disposal bin.

Ramon Armendariz, 1710 N. A. St., stated that individuals need to be more careful to avoid trash.

Mayor Turner thanked everyone for their comments.

ORDINANCE

Remove from table and consider an ordinance amending Section 10-100 of the Zoning Ordinance and amending Section 12-3-8 of the City Code of Ordinances to regulate front yard parking. Motion was made by Council member Bryant and seconded by Council member Combs to remove this item from the table. The motion was approved by unanimous vote. Mr. Morton stated that 42nd St. would be exempt from the ordinance, due to the current ordinance. Mr. Long reviewed the exemptions. There were other areas that were exempt. Council member Graff doesn't like the people parking in front yards. She stated that the paved yards would look bad. She requested that the pros and cons be identified. She was worried about the flooding in certain areas. The yards needed to be enforced through inspection. She requested public comment be held on front yard parking.

Motion was made by Council member Bryant and seconded by Council member Combs to approve the ordinance on first approval. The motion was tied with Council members Graff and Carrasco casting the nay votes. Mayor Turner broke the tie in favor of the ordinance with public comment. The ordinance was approved by a 3-2 vote.

MISCELLANEOUS

Appointment of Master Plan Selection Committee. Motion was made by Council member Combs and seconded by Council member Bryant that Council member Carrasco, Mayor Turner, Richard Morton and staff be appointed to the Master Plan Selection Committee. The motion was approved by unanimous vote.

Appointment of Boards: Odessa Development Corporation and Parks and Recreation Advisory Board. No action.

Appointment of Officers: Colorado River Municipal Water District and Odessa Housing Authority. Motion was made by Council member Combs and seconded by Council member Bryant that the Council go into executive session under 551.071.

Motion was made by Council member Carrasco and seconded by Council member Combs that Gary Haner and James Goates be appointed to the Colorado River Municipal Water District. The motion was approved by a 3-1 vote with Council member Graff casting the nay vote.

Citizen's comments on non-agenda items. Ramond Armendariz, 1710 N. A St., stated that EZ rider was not providing safe transportation. There have been complaints by the elderly people. An advocate was needed to be on the board that knows and uses the bus system. Patricia Albarado, 1000 E. Monahans, experienced problems on the bus. She was afraid to ride the system. She has not been restrained properly, life been threatened, had a sexual harassment incident and was in two bus accidents. The McDonald Transit contract should be terminated since it was not managed properly. She is not comfortable in using the system for everyday life. Other females have complained about incidents.

There was no other business, the meeting adjourned at 8:31 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC
City Secretary

David R. Turner
Mayor