



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

**APRIL 23, 2013**

On April 23, 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 Rev. Luis R. Lopez, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Turner presented a proclamation for Buddy Poppy Month.

**CONSENT AGENDA ITEMS**

- A. City Council Minutes, April 11, 2013;
- B. **Resolution No. 2013R-27 – Receive \$2,000 donation from the Professional Police Officers’ Association of Odessa (PPOA);**
- C. **Ordinance No. 2013-21 - Amend Section 1-13-86 of the City Code to revise the fee structure at the three city swimming pools;**
- D. Amend Section 13-2-15 of the City Code regarding the utility bill donation program;
- E. **Resolution No. 2013R-28 – Amend the sales price limits for the City of Odessa’s Homebuyer Assistance Programs;**
- F. Renew auctioneering services contract with Rene Bates;
- G. Renew supply agreement for the purchase of miscellaneous valves and fittings with Western Industrial and Morrison Supply;
- H. **Ordinance No. 2013-22 – Abandonment of alley in Block 41, Hollywood View Addition;**
- I. **Review monthly financial summary report for March 2013;**
- J. **Ordinance No. 2013-23 – Municipal Courts of Record.**

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

## OTHER COUNCIL ACTION

### PUBLIC HEARING

**Ordinance 2013-24 - Open a public hearing to consider approval of the request of Houston Endowment, Inc., owner, Leeco Properties, Inc., optionee/agent, Landgraf, Crutcher & Assoc., Inc., representative, for original zoning of Special Dwelling District (SPD) on approximately 62 ac. tract, original zoning of Special Dwelling District-Drill Reservation (SPD-DR) on approximately 7.6 ac. [two (2) tracts] and original zoning of Special Dwelling District-Surface Drainage (SPD-SD) on approximately 5.1 ac. tract in Section 2, Block 42, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (northwest of the intersection of E. 56th St. and proposed Dawn Ave.)** Randy Brinlee, Interim Planning Director, stated that there were no changes from the last public hearing. No one came forward and the public hearing was closed.

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

**Ordinance 2013-25 - Open a public hearing to consider approval of the request of Iris Lang, owner, to rezone from Single Family- Three (SF-3) to General Residential (GR) Lots 1-8, Block 4, Newman Addition (northeast corner of the intersection of Dwayne St. and Milton Ave.)** Mr. Brinlee stated that there were no changes from the last public hearing. 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 second and final approval. The motion was approved by unanimous vote.

**Remove from the table to 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 the area for annexation would allow single-family development of 1,500 units. No one came forward and the public hearing was closed. The Planning and Zoning Commission recommended for approval.

Motion was made by Council member Bryant and seconded by Council member Graff to remove this item from the table. The motion was approved by unanimous vote.

Motion was made by Council member McNeil and seconded by Council member Bryant 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 Betenbough Homes, owner, for original zoning of Planned Development-Single Family (PD-SF) on approximately 18 ac. [two (2) tracts] and original zoning of Planned Development-Single Family-Drill Reservation (PD-SF-DR) on approximately 7.1 ac. [two (2) tracts] in Section 34, Block 42, T-1-S, T&P Ry. Co. Survey, Ector Co., Texas (vicinity of proposed Rainbow Dr. and E. 100th St.)** Mr. Brinlee reviewed the location of the property. The zoning would allow 85 single family dwellings with lots of a minimum of 5,000 square

feet. Two tracts would be drill reservations. The Planning and Zoning Committee recommended for approval with certain conditions. No one came forward and the public hearing was closed.

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

### **ORDINANCE**

**Ordinance No. 2013-26 – Franchise to operate a shuttle service by Shuttle services, LLC d/b/a Ready to Go.** Mr. Long stated that one van would be in operation and it would expand to three vans by June. The owners agreed to the requirements and qualifications.

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

### **RESOLUTION**

**Ordinance No. 2013-27 – Amend Section 13-2-15 of the City Code regarding the utility bill donation program.** Steve Patton, Director of Parks and Recreation, stated that the ordinance was enacted with the Parks Foundation contract. Jason Moore, 2716 Bainbridge, was concerned with the program. He stated there was no evidence of detailed financial information and no over site of the funds. There were no financials for 2007 – 2008. The audit does not match the city numbers. Mr. Long stated that the ordinance provides funds to be spent or returned if not used for park improvements. It provides for issuance of reporting. Mr. Moore stated that the city manager directs the City Council. Mr. Morton clarified that he advises Council but Council has the final action.

Motion was made by Council member Graff and seconded by Council member Bryant to approve the ordinance on second and final approval.

Council member Carrasco stated that this item needed to be re-evaluated to clean it up. Council member McNeil stated that if it was broken it should be fixed and be transparent. Council member Graff stated that the contract needed improving but there would not be a program if the ordinance was not passed. Council member Carrasco didn't agree on the ordinance and it should be terminated. Mr. Long stated that the five year sunset provision was unusual. The five years was removed. He stated that the contract could be terminated and the unspent funds would be returned to the City. The contract could be terminated by either party, the city or the foundation. The contract could be more specific. Council member Graff stated that the program has made improvements to better the parks.

The motion was approved by 4-1 vote with Council member Carrasco casting the single nay vote.

### **RESOLUTIONS**

**Resolution No. 2013R-29 – Amend the pool operations contract with COM Aquatics.** Mr. Patton stated that COM Aquatics operated the three pools. He stated that the amended contract includes the new pool fees. The children that could not afford the fee would have the opportunity to earn free passes by picking up trash.

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

**Consider the agreement between the Odessa (Ector) Parks Foundation and the City of Odessa for the expenditure of funds generated from the Utility Bill Donation program.**

Mr. Patton stated that negotiations were underway for a new contract. Mr. Long stated that the foundation's attorney, Steve Barron, expressed opposition with parts of the contract. He needed time to review. He recommended tabling this item.

Motion was made by Council member Carrasco and seconded by Council member Graff to table this item. The motion was approved by unanimous vote.

Jason Moore, 2716 Bainbridge, wanted to know the process of coming to the Council to provide a program. Mr. Long stated that the Odessa Parks Foundation Board were volunteers. Council member Bryant stated that a foundation can come forward with a proposal. The Parks Foundation was not paid, there were no salaries in the financial reporting. Council member Graff stated that the proposal could be presented to Mr. Morton and forwarded to the Council.

#### MISCELLANEOUS

**Appointment of Boards: Historic Preservation Commission.** Motion was made by Council member Carrasco and seconded by Council member Graff that Kathleen McCulloch be reappointed to the Historic Preservation Commission. The motion was approved by unanimous vote.

**Consider personnel matter regarding City Secretary.** Motion was made by Council member Graff and seconded by Council member Bryant to go into executive session under 551.074. The motion was approved by unanimous vote.

Upon returning from executive session, Mayor Turner stated that there was no action taken in executive session.

Motion was made by Council member Bryant and seconded by Council member McNeil to take the recommendation of the Personnel Committee. The motion was approved by unanimous vote.

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

There was no other business, the meeting adjourned at 7:53 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC  
City Secretary

David R. Turner  
Mayor