



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

**APRIL 11, 2013**

On April 11, 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 Mayor Turner, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Turner presented proclamations for the Week of the Young Child.

Guy Andrews, Economic Development Director, gave an economic development report. He highlighted the Odessa Development Corporation's website. He reviewed the available information on the website including land availability, fact information and other pertinent information on the website. GROW Odessa was assisting in growing the economy. He reviewed jobs availability and housing in Odessa. He reviewed the traffic statistics, which have been increasing, as well as the sales tax.

Mayor Turner presented Home Town Hero Awards to Gilbert Ramirez, Olga Hernandez, Kristi Condry and many officers for assisting in the World Finance robbery incident and capturing the suspects. Mayor Turner presented a Home Town Hero award to Presley Miller, a 17 year old, who consoled hurt victims in a traffic accident.

**CONSENT AGENDA ITEMS**

- A. City Council Minutes, March 26, 2013;
- B. **Ordinance No. 2013-19 - Request of Leeco Properties, Inc., owner, for original zoning of Planned Development-Light Industrial (PD-LI) Lots 8 and 10, Block 8, Leeco Industrial, 14th Filing and original zoning of Planned Development-Light Industrial-Drill Reservation (PD-LI-DR) Lots 9 and 11, Block 8, Leeco Industrial, 14th Filing (southwest of the intersection of IH-20 and Lufkin Rd.);**
- C. **Ordinance No. 2013-20 Request of Betenbough Homes, owner, for original zoning of Planned Development-Single Family (PD-SF) on approximately 6.6 ac. [two (2) tracts] and rezone from Single Family-Three (SF-3) to Planned Development-Single Family (PD-SF) on approximately 15.7 ac. tract in Section 34,**

**Block 42, T-1-S, T&P Ry. Co. Survey, Ector Co., Texas (vicinity of E. 96th St. and Rainbow Dr.);**

- D. Bid award to J&B Trailers in the amount of \$196,664 for utility bodies;
- E. **Resolution No. 2013R-26 – Authorize the City of Odessa Police Department to apply for a Paul Coverdell Forensic Science Improvement grants program;**
- F. Bid award Spec Construction in the amount of \$472,126 for installation of water and sewer taps.

Motion was made by Council member Graff 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 undertake the 2013 sealcoat program.** Matt Squyres, Director of Public Works, stated that five bids were submitted. He recommended that the bid be awarded to Ronald R. Wagner and Co. in the amount of \$1,372,279.78 for the 2013 sealcoat program.

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

### **PUBLIC HEARING**

**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, reviewed the location of the vacant property. He reviewed the three different zoning requests for this location. For the special dwelling district, there would be 316 residential lots. This would extend the single family dwelling that was next to the location. No one came forward and the public hearing was closed.

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 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.)** Motion was made by Council member Bryant and seconded by Council member McNeil to table this item. The motion was approved by unanimous vote.

**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 reviewed the location of the property. The request was for rezoning to general residential. He stated that both foundation homes and mobile homes could be placed on the property if the rezoning was approved. The Planning and Zoning Commission recommended for approval. 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.

**Open hearing to consider franchise to operate a shuttle service by Shuttle Services, LLC d/b/a Ready to Go.** Mr. Long stated that the shuttle service would provide service to the outlined communities. The company would start with one van and expand to three vehicles by June. The franchise agreement was accepted. No one came forward and the public hearing was closed.

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

## **ORDINANCE**

**Amending Section 1-13-86 of the City Code to revise the fee structure at the three (3) City swimming pools.** Steve Patton, Director of Parks and Recreation, stated that the swimming pool fees have been in place since 2002. Attendance went up from 2003 of 30,000 to 91,000 for 2010. There has been an increase in cost, labor and after hour rentals. He requested a fifty cent increase to help the \$40,000 cost increase. He reviewed the fees for the two aquatic pools, the Floyd Gwin pool and the rental rates. Family fun night rates would stay the same at \$4.50 for a family of four. The season passes would also remain the same. The Parks Department would participate with Keep Odessa Beautiful to provide a week pass for the pools to any child that would assist in picking up litter. It would be posted at the pools. Council member Bryant stated that safety needed to be provided. Council member Graff thanked the Parks Department for their work.

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

**Amending Section 13-2-15 of the City Code regarding the utility bill donation program.** Mr. Patton stated that the Parks Foundation assisted in the implementation of the Parks Master Plan. They have donated playground in neighborhood parks. He stated that Western Manor, Murray Fly and San Jacinto parks were improved with the utility bill donation program. The Parks Foundation has funded \$1.2 million. There is an endowment of matching funds for special projects. It would go to the future playgrounds as indicated on the January 2005 Master Plan.

Jason Moore, 2716 Bainbridge, was concerned with the Parks Foundation contract with the city and the ordinance. He stated that both the contract and ordinance appear to be expired with the sunset provision expiring at five years. He also stated that the reports were not provided as stated in the contract. Mr. Long stated that the Foundation was audited and

there were no missing funds. Council member Graff stated that all the terms of the contract were followed and funds spent properly.

Mr. Long stated that the program is still valid. The ordinance provided for its extension by subsequent action of the City or Parks Foundation. The contract with the Parks Foundation extended the utility billing program. The reason it did not expire was because it contained a clause that extended it until all the funds that had been distributed to the Parks Foundation were spent appropriately or returned to the City. This had not occurred.

Council member Carrasco stated that this program has its best intentions but was not happy. She stated that Council members represented the taxpayers. It was Council's responsibility to be transparent and do away with the program. Mr. Moore stated he was reenrolled in the program after opting out of the program.

Javier Joven, 3006 Byron, stated that the Parks Master Plan was created for \$75,000. The Foundation's top ten priority list was the citizens list but in reverse order. Land acquisition was the Foundations #1 priority and the citizens' first was to work with what the city has. He stated it was not about the \$1 but the transparency of the program. He discussed the accountability of the program of where the money was spent in accordance with the terms of the contract. Council member Combs stated that the audit received an unqualified opinion in relation to the funds spent. Mr. Joven asked about the annual reports from the Foundation.

Mr. Morton stated that every effort was made for citizens to opt out of the program. Every new customer has a choice to participate in the program. There was nothing to hide and there was a report given to the community on the activities for the year.

Teresa Waters stated that the water bill does not state the customer can opt out. She stated that hard working people just pay the water bill and don't look at the bill. She requested that the program be removed from the water bill.

Council member Carrasco stated that the process was not good and the program needed to be stopped. She stated that Council has to be conscience of what we are doing as we represent the citizens. Council member McNeil stated that the program may need to be reviewed and improvements on the process needed to be changed. Council member Carrasco stated that the program should be done away and the foundation has done great things. She stated that the taxpayers have the right to know where the taxpayers' funds were spent. Councilmember Graff stated that Council needed to look at the program and make changes for improvement of the process. The program was excellent in enhancing the parks for the children. Mr. Patton reported that a brochure went out to every citizen before the program started. There was a report placed in the newspaper. Mr. Morton stated that Council chose the program and can be changed. Council member Graff stated that Council needed to be better informed on the reports. Council member Combs stated that a report on a semi or quarterly basis should be done to know where the funds were spent. Mr. Long stated that other measures can be included in the contract to show the transparency.

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 a 4-1 vote with Council member Carrasco casting the nay vote.

**Abandonment of alley in Block 41, Hollywood View Addition.** Mr. Squyres stated that the alley doesn't look like an alley but could be used as a yard with fencing. The city would keep the utilities easement. There was an alley in the back of the homes next to this alley.

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

**Amending Section 10-100 of the Zoning Ordinance and amending Section 12-3-8 of the City Code of Ordinances.** Mr. Long stated that the ordinance would prohibit front yard parking unless it was paved. The Planning and Zoning Commission recommended for approval by a 3-2 vote. He stated that discussions were held and there was a suggestion to look at the fence. The proposed ordinance requires a six foot fence for parked vehicles behind the yard.

Motion was made by Council member Graff and seconded by Council member McNeil to table this ordinance. The motion was approved by a 3-2 vote with Council members Bryant and Combs casting the nay votes.

#### MISCELLANEOUS

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

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

There was no other business, the meeting adjourned at 7:17 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC  
City Secretary

David R. Turner  
Mayor