



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

AUGUST 26, 2014

On August 26, 2014, a regular meeting of the Odessa City Council was held at 6:00 p.m., in the Council Chamber, 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; and Dean Combs, District Four.

Member absent: Council member Sandra Carrasco, District Five.

Others present: Richard Morton, City Manager; Larry Long, City Attorney; Norma Aguilar-Grimaldo, City Secretary; Michael Marrero, Deputy City Manager; Konrad Hildebrandt, 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 Council member Bryant and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Turner presented a proclamation for the Permian Basin Fair.

CONSENT AGENDA ITEMS

- A. City Council minutes, August 26, 2014;
- B. **Resolution No. 2014R-68 – Weaver and Tidwell contract for auditing services for FY ending 2014;**
- C. **Resolution No. 2014R-69 – City’s Investment Policy and the approved Brokers/Dealers & Financial Institution list;**
- D. **Resolution No. 2014R-70 –Odessa Police Department to accept a BJA Edward Byrne Memorial Justice Assistance Grant (JAG) program;**
- E. **Resolution No. 2014R-71 – Odessa Police Department to accept a one year grant from the Attorney General’s Office for a crime victim liaison;**
- F. Bid award to Roll Offs and Impact Plastics in the amount of \$191,792 for refuse containers and replacement bottoms;
- G. **Resolution No. 2014R-72 – Support Council member Barbara Graff as a candidate for the Texas Municipal League President-Elect for 2015;**
- H. Review monthly financial summary report July 2014.

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

OTHER COUNCIL ACTION

PUBLIC HEARING

Open a public hearing to consider approval of the request of Ector County, owner, LCA, agent, for a specific use permit to allow a cemetery in a Light Commercial (LC) Zoning District, proposed Cemetery Subdivision, 2nd Filing (southeast corner of the intersection of S. Muskingum Ave. and Myrtle St.). Randy Brinlee, Director of Planning, reviewed the location of the property. The specific use permit would expand the cemetery. The Planning and Zoning Commission recommended for approval with certain conditions. Staci Walton, 400 S. Muskingum, was opposed to the cemetery expansion. There would be an increase in traffic and Nelson would be the cut off street to enter into the cemetery which would increase traffic. The trash would come into the residences' yards and the late hours with people going to the cemetery increased traffic at night. The proposed fencing of screening and shrubs were not enough. She stated that the area was a flood zone. The citizens were not informed properly of the proposed expansion. Mr. Brinlee stated that the issues were addressed with the Planning and Zoning Commission. The screening would be shrubs and a double fence with mesh and metal fencing. Ector County would maintenance the cemetery. Council member Graff stated that the hours needed to be considered to help with the night time traffic. Most cemeteries were closed in the evenings. Council directed Mr. Morton to address the issues with Ector County. No one else came forward and the public hearing was closed. Mr. Brinlee stated that Council could revisit the temporary specific use permit at any time.

Motion was made by Council member McNeil and 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 ICA Properties, Inc., owner, for original zoning of Multi-Family-One (MF-1) on approximately 26.9 ac. tract and original zoning of Retail (R) on approximately 3.2 ac. tract in Section 3, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (southwest of the intersection of Mission Blvd. and proposed Dr. Emmett Headlee St.). Mr. Brinlee reviewed the location of the property which was vacant. The purpose of the zoning would be for apartment development and retail development. 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 Graff to approve the ordinance on first approval. The motion was approved by unanimous vote.

Open a public hearing for the FY 2015 annual budget. Mr. Hildebrant stated that the fiscal year 2014-15 budget proposed operating fund was \$81 million and \$180 million for the city wide budget. Steve Elsworth, 2741 Bainbridge, was concerned with the use of public funds to make the city look good with the public relations position. He stated that actions should speak for themselves and taxpayers do not need to spend funds to advertise by spinning the story into positive. He requested that this position be removed from the budget for it was not a good expenditure of funds. No one else came forward and the public hearing was closed.

Open the first public hearing on the proposed tax rate. Mr. Hildebrant stated that the proposed tax rate was .475845 cents for each \$100 of taxable value. It is a 3.96 cent reduction with last year's rate. On an average home of \$140,340, the city's portion would be \$569.50. It is an increase of \$36.17 which equates to \$3.01 per month or \$0.10 a day. If the home value did not increase the homeowner would pay less.

The second public hearing will be held on September 9 at the City Council meeting. The Council would vote on the tax rate on September 23. No one came forward and the public hearing was closed.

ORDINANCE

Authorizing the abandonment and conveyance of approximately 600 square feet of alley right-of-way located in Block 46, Scharbauer Place 2nd Filing, Odessa, Ector County, Texas. Mr. Long stated that ECISD donated property to the city for housing. A tax credit was received to provide affordable housing. The ordinance would abandon the alley but retain the utility easement for the apartment development.

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.

RESOLUTION

Resolution No. 2014R-73 – Odessa Development Corporation budget, administrative contracts and General Development Plan for FY 2014-15. Richard Browning, ODC President, stated that the budget mirrors last year's budget with a few changes. The Odessa Hispanic Chamber's budget increased to \$115,500 and the Odessa Chamber of Commerce included a 5% pay increase. The contingency line item was raised to \$50,000. Proposed revenues were \$8.6 million with expenditures of \$1.568 million.

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

Mr. Browning reported that the General Development Plan goals on water and workforce were shifted to a higher order of priority. The Council thanked Mr. Browning and the board members for their service.

Resolution No. 2014R-74 – Support the application of Wayne Metcalf Property, to the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation. Mr. Long stated that the request of the municipal setting designation was for 2381 E. Hwy 20. It would prohibit access to groundwater. The first public hearing held had no attendees and the second public hearing had no comments. The qualifications were met.

Motion was made by Council member Combs and seconded by Council member McNeil to approve the resolution. The motion was approved with three ayes. Council member Bryant abstained.

ORDINANCE

Prohibit the use of designated groundwater, for potable and irrigation purposes, from beneath Lots 9 and 10, and a 1.43 acre tract out of Lot 11, Block 2, Odessa Industrial Development Park located in Section 36, Block 42, T-2-S, T&P Ry. Co. Survey, Ector County, Texas, 2381 E. I-20. Mr. Long stated that the ordinance would prohibit, in the area, potable use. It would discount the water level treatment.

Motion was made by Council member Combs and seconded by Council member McNeil to approve the ordinance on first approval. The motion was approved with three ayes. Council member Bryant abstained.

MISCELLANEOUS

Appointment of Board: Community Development Advisory Committee. No action.

Citizen's comments on non-agenda items. No comments.

There was no other business, the meeting adjourned at 6:29 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

David R. Turner
Mayor