



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

SEPTEMBER 9, 2014

On September 9, 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; Dean Combs, District Four; and 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 Mayor Turner and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Turner presented a proclamation for Constitution Week.

CONSENT AGENDA ITEMS

- A. City Council minutes, August 26, 2014;
- B. **Ordinance No. 2014-45 – 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.);**
- C. **Ordinance No. 2014-46 – 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.);**
- D. **Resolution No. 2014R-75 –Agreement with Tiffany Collier for a polygraph examiner internship;**
- E. **Resolution No. 2014R-76 – Interlocal cooperation contract with the University of Texas of the Permian Basin (UTPB) for street services;**
- F. Bid award to Polydyne in the amount of \$33,810 for polymer for sludge dewatering at the Bob Derrington Water Reclamation Plant;
- G. Bid award to Chameleon industries in the amount of \$214,875 for liquid aluminum sulfate for the Water Treatment Plant;
- H. Bid award to Chameleon Industries in the amount of \$76,000 for 40% liquid ammonium sulfate;
- I. Purchase replacement aerator discs from Evoqua Water Products in the amount of \$90,000 for the Bob Derrington Plant;

- J. Appropriate funds in the Water and Sewer Construction Funds for Industrial Pump Station Improvements;
- K. Appropriate funds in the Water and Sewer Construction Funds for water supply and delivery infrastructure improvements;
- L. **Ordinance No. 2014-47 - 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;**
- M. **Ordinance No. 2014-48 - Abandon and convey approximately 600 square feet of alley right-of-way located in Block 46, Scharbauer Place 2nd Filing, Odessa, Ector County, Texas.**

Motion was made by Council member McNeil and seconded by Council member Carrasco that the consent agenda be approved. The motion was approved with Council member Bryant abstaining only on Item L.

OTHER COUNCIL ACTION

Consider the purchase of 60 police package Tahoes. Police Chief Tim Burton stated that 60 Tahoes would be purchased and would be constructed as a turnkey package. The funding would be from a supplemental budget and the budget funds for the scheduled replacement of police fleet. The purpose of the take home fleet program would be to compete with the labor market and it would increase crime prevention. If a current employee lives in Midland they would be allowed to participate by taking home a police vehicle. If an employee is hired after August 12, 2014, they would be required to live inside city limits to participate in the program. Council member Graff was concerned with buying 60 vehicles at one time. She was assured if the maintenance needed more mechanics it would be addressed and resolved. Council member Bryant called the question.

Motion was made by Council member Bryant and seconded by Council member McNeil that the purchase of the police package be approved. The motion was approved by unanimous vote.

Mayor called Staci Walton who wanted to speak on Item IV.B. Staci Walton, 400 S. Washington, had concerns on the cemetery expansion. There would be an overflow of cars on the one entrance to the cemetery and Muskingum has only two lanes. There would be noise when the graves were being excavated and asked what would happen when the cemetery was filled to capacity.

Consider ratifying the property tax revenue increase reflected in the FY 2015 annual budget. Konrad Hildebrandt stated that a public hearing was held on August 25. The property tax revenue has increased by 5.21%. The proposed tax rate was .475845 for each \$100 taxable valuation. The scheduled vote for the tax rate would be on September 23.

PUBLIC HEARING

Resolution No. 2014R-77 - Open the second public hearing on proposed tax rate and schedule final vote on tax rate. Margie Fraiser, 2102 N. Washington, stated that the values were up on hotels, businesses and homes. The convention center should be paid by

the hotel. Odessa needed to be beautified for there were many blighted areas throughout the city. No one else came forward and the public hearing was closed.

Mr. Long stated that a motion was needed for ratifying the property tax revenue. Motion was made by Council member Bryant and seconded by Council member Combs to ratify the property tax revenue increase reflected in the FY 2015 budget. The motion was approved by unanimous vote.

Open a public hearing to consider annexation to the City of Odessa of approximately 1671.37 acres of land out of Sections 20 and 29, Block 41, T-2-S, Ector County, Sections 25, 26, 31, 32, 35, 36 and 45, Block 42, T-2-S, Ector County; Sections 36, 37 and 38, Block 43, T-2-S, Ector County; and Section 15, Block 41, T-2-S, Midland County. Mr. Long reviewed the three areas considered for annexation including Industrial Districts Two and Three. All existing businesses would be grandfathered and no businesses would be shut down. There would be no modifications or upgrades required from the existing businesses.

Dick Sivalls, 2200 E. 2nd St., met with City staff and was against the annexation. His business pays 100% taxes through the Industrial District contract and already has access to water, sewer and police services. If annexed, there would only be a small amount of taxes owed since most of his customers export or were exempted. He was concerned that if his building was modified then he may have to bring the entire building up to code and it would be cost prohibitive. Rudy Martinez, 301 S. Meadow, opposed the annexation. Roger Clayton, 900 S. Meadow, appreciated the Council taking responsibility of the city. He echoed Mr. Sivalls concerns and was against the annexation. The cost would be substantial if the buildings were to meet the current city codes. The annexation includes four more miles of streets that the city would have to maintain. The streets were deteriorated and the maintenance costs would increase. Jimmie Herman was against the annexation. He was a long-time resident and has owned a trucking business for 53 years. He had issues with theft of radiators batteries, gas and trucks. No one else came forward and the public hearing was closed.

Open a public hearing to consider approval of the request of Raul Vazquez, owner, Rosalinda Ramirez, leasee, for a specific use permit to allow an auto painting and body rebuilding shop in a Light Commercial (LC) Zoning District, E/125 of N/140, Block 66, Original Town (620 E. 2nd St.). Randy Brinlee, Director of Planning, reviewed the location of the property. The permit would allow an auto paint shop. The site plan submitted met the requirements. The Planning and Zoning Commission recommended for approval with certain conditions. The permit could be reviewed if there were any complaints and Council could reconsider the permit at any time. The paint disposal would be regulated through the paint booth permit. No one else 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 a public hearing to consider approval of the request of DJK, Inc., owner, RSP Permian, LLC, leasee, for original zoning of Future Development-Drill Reservation (FD-DR) on approximately 4.5 acres [two (2) sites] in Section 3, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (northeast and northwest of the intersection of Mission Blvd. and Dorado Dr.) Open a public hearing to consider approval of the request of DJK, Inc., owner, RSP Permian, LLC, leasee, for original zoning of Future

Development-Drill Reservation (FD-DR) on approximately 4.5 acres [two (2) sites] in Section 3, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (northeast and northwest of the intersection of Mission Blvd. and Dorado Dr.). Mr. Brinlee reviewed the location of the property which was vacant. The purpose of the zoning would be for a drill reservation for oil and gas development. The Planning and Zoning Commission recommended for approval. The surrounding owners were notified and there were no protests. No one came forward and the public hearing was closed.

Motion was made by Council member Combs and seconded by Council member McNeil 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 Brett Lawson, owner, LCA, consultant, for original zoning of Light Commercial (LC) on approximately 2.5 acres and original zoning of Future Development-Drill Reservation (FD-DR) on approximately 2.5 acres in Section 45, Block 42, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (southwest of the intersection of US Hwy. 385 and Crane Ave.) Mr. Brinlee reviewed the location of the property which was vacant. The purpose of the zoning would be for a drill reservation that was already a drill site. 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.

ORDINANCE

Ordinance No. 2014-49 - Accept the certification of unopposed candidates and cancelling the 2014 Municipal General Election scheduled for November 4, 2014. Mrs. Grimaldo stated that only one application was filed for each district that was up for election. The certificate of unopposed candidates was included for Council's acceptance. The proposed ordinance would cancel the November 4, 2014 General Election and declare the unopposed candidates as elected, as allowed in the Texas Election Code. The new council members would take office on November 25, 2014.

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

RESOLUTION

Resolution No. 2014R-78 – Adopt the City of Odessa FY 2015 Annual Budget. Mr. Hildebrandt stated that proposed revenues were \$81,688,801 and revenues from funds of Water/Sewer, Equipment Service, Risk Management, and Solid Waste were \$180,306,722.

Motion was made by Council member Combs and seconded by Council member Bryant to approve the resolution. Council member Graff directed the City Manager to remove the marketing position for advertising and leave the \$60,000 for working with Main Street. The motion including removing the marketing position and leaving the funds in the budget was approved by unanimous vote.

MISCELLANEOUS

Appointment of Boards: Community Development Advisory Committee and Permian Basin Airport Board. Appointment of Officers: Building Board of Appeals, Planning and Zoning Commission and Zoning Board of Adjustment. Motion was made by Council member Bryant to make the following appointments:

Barbara Graff reappointed to the Permian Basin Airport Board;
Gloria Pena reappointed to the Permian Basin Airport Board;
Willie Taylor reappointed to the Permian Basin Airport Board;
David McGuire reappointed to the Building Board of Appeals;
Mike Stahl reappointed to the Building Board of Appeals;
Donald Loving reappointed to the Building Board of Appeals;
Jerry Morales reappointed as alternate to the Building Board of Appeals;
Gary Sims reappointed to the Planning and Zoning Commission;
Jim Rector reappointed to the Planning and Zoning Commission;
Steve Tecero reappointed to the Planning and Zoning Commission;
Brooke Harper appointed to the Zoning Board of Adjustment; and
Anthony Rios appointed as alternate to the Zoning Board of Adjustment.

The motion was approved by unanimous vote.

Citizen's comments on non-agenda items. Norma Torres, 233 Orchard, was not in favor of the ordinance that provided restrictions on the mobile car washing businesses. The new changes impacted her business and as a taxpayer would like the ordinance back to its original state. She expressed concerned about obtaining the notarized document from the property owner for the ability to have a mobile car wash on the property. The carport requirement impacted the ability to perform the wash. Rodrigo Cazares, 2807 E. University, requested a copy of the new ordinance and wanted to meet with staff regarding the new requirements. There was no other business, the meeting adjourned at 6:52 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

David R. Turner
Mayor