



CITY COUNCIL MINUTES  
CITY OF ODESSA, TEXAS

SEPTEMBER 23, 2014

On September 23, 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.

Mr. Hildebrandt presented the Financial Reporting Achievement Award and the Distinguished Budget Award to the City Council. Mayor Turner expressed appreciation to the staff for their work.

**CONSENT AGENDA ITEMS**

- A. City Council minutes, September 9, 2014;
- B. City Council minutes, September 16, 2014;
- C. **Ordinance No. 2014-50 – 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.);**
- D. **Ordinance No. 2014-51 – Request of Brett Lossin, 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.);**
- E. **Ordinance No. 2014-52 – 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.);**
- F. Purchase a fire rescue senior captain unit for \$80,264;
- G. Purchase public safety radios from Petro Communications for \$60,823;
- H. Renew support agreement with Motorola for the City's public safety

radio system for \$81,173;

- I. Renew annual Sungard HTE software support for \$128,968;
- J. Renew the janitorial services contract with Professional Janitorial Services for \$230,58;
- K. Renew the DPC Industries contract for the purchase of liquid/gas chlorine for \$209,303;
- L. Renew the Pilot Fuels contract for automated fueling services for \$2,700,000;
- M. Review monthly financial summary report for August 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 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 stated with the proposed annexation, the property taxes would offset the payment in lieu of taxes, all existing businesses and buildings would be grandfathered, and it would secure water and sewer rights even during the drought. It would also allow proper extension of City limits and collection of additional sales tax as a pass-through cost for businesses.

Jim Reese asked for the cost to extend the water rights. Thomas Kerr, Director of Utilities, stated it would depend on the size of the line. If it was an 8" line it would cost \$50 to \$60 per foot and if it is a 12" line it would cost \$80 to \$100 per foot. Mr. Reese supported the annexation and requested water service for the proposed annexation. Joy Braswel, 4030 New Orleans, stated that Ranchland of Estates was 100 yards from the City limits and in 2010 the EPA identified it as a contaminated area superfund groundwater site. The residents in the area were declined water service. She asked why the City does not help residents and has refused to offer water services for many years but was proposing to annex this proposed area of businesses. Mr. Long stated that the Industrial District already was supplied with water. Last year, the City restricted residents of the over-use of water and even filed charges on those residents who abused the water restrictions. The City was not going to supply the County with new water services if it was restricted in the City. Mr. Long would meet with Ms. Braswel to discuss the issue. Roger Clayton, 900 S. Meadow, opposed the annexation. Jimmie Herman, 2909 Deering, opposed the annexation. He stated that the City did not take care of the property inside the city limits. He asked about the Odessa Development Corporation (ODC) board members and the Odessa Industrial Development Corporation (OIDC) members on their ownership of property. Mr. Long stated that the ODC members has no ownership of property; and the OIDC owned the property it purchased but the City had no appointments to that board. Mr. Herman reported that his air conditioners and fence were damaged with trucks going through his property. He stated that an accident took place on his property and City employees were involved in the accident. He was not notified that his property was damaged. Mr. Long and Mr. Morton would meet with Mr. Herman to discuss his concerns. Jack Zuerker, 2200 E. 2<sup>nd</sup> St., opposed the annexation. He asked about the contract of the road crossing. Mr. Long was

researching for continued arrangements to allow blocking portions of the road. Mr. Long explained the term “grandfathered” for the purpose of the businesses in the annexation. Mayor Turner stated that Mr. Morton, Mr. Long and Ralph McCain would meet with him to discuss the issues. No one else came forward and the public hearing was closed.

**Open a public hearing to consider approval of the request of Bobby Cox Companies, owner, to rezone from Planned Development-Office (PD-O) to Special Dwelling District (SPD) approximately 9.6 ac. tract of Lots 37 and 38, Block 15, Mission Green Estates, rezone from Future Development-Drill Reservation (FD-DR) to Special Dwelling District (SPD) approximately 2.5 ac. tract and for original zoning of Special Dwelling District (SPD) on approximately 126.4 ac. tract in Sections 10 and 11, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (southeast of the intersection of Mission Dr. and Mission Blvd.)** Randy Brinlee, Director of Planning, reviewed the location of the property. The area would allow for drilling and 540-single family residential lots. There would be two parks included in the dwelling district. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Bryant 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 Roberto Quintana, 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 13, Anderson Subdivision (southeast corner of the intersection of W Clements St. and Broughton Ave.)** This item was withdrawn per the request of Roberto Quintana.

**Open a public hearing and consider approval of a taxicab franchise for Khodiar Trade Investments, Inc. d/b/a Metro Taxi.** Mr. Long stated that Metro Taxi would operate five vehicles and they had a good record in Midland. There were no objections. The company representative agreed to comply with the requirements. 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 approval of a taxicab franchise for Patrick Kirk d/b/a Imperial Taxi.** Mr. Long stated that Imperial Tax had a good record and would operate five vehicles. There were no objections. The company representative agreed to comply with the requirements. No one came forward and the public hearing was closed.

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

## **ORDINANCE**

**Ordinance No. 2014-53 – Levy the tax for the 2014 tax year.** Mr. Hildebrandt stated that the ordinance would levy the tax for the 2014 tax year by adopting a tax rate of 47.5845 cents per one hundred dollars property valuation for municipal maintenance/operations and debt service for fiscal year 2015. The proposed tax rate is 3.6905 cents lower than the current rate. The fiscal year 2015 Effective Tax Rate was 45.2284 and the fiscal year 2014 current tax rate was 51.2750. The proposed tax rate provides for the continuation of the 20% general residential homestead exemption, the senior citizen exemption of \$15,000, the

disabled person exemption of \$5,000, the \$5,000 to \$12,000 disabled veteran exemption, and other state-mandated exemptions.

Motion was made by Council member Combs that the property tax rate be increased by the adoption of tax rate of \$0.475845, which is effectively a 5.21% increase in the tax rate and seconded by Council member McNeil to approve the ordinance on second and final approval. The motion was approved by unanimous vote.

## RESOLUTION

**Resolution No. 2014R-79 – Extend the Ector County Utility District water supply contract.** Mr. Kerr stated that the contract would extend services to the Ector County Utility District (ECUD) for four years from October 1, 2014 through September 30, 2018. The contract would continue to provide the supply of water, maintenance and customer service. The contract would serve until ECUD becomes an independent operating facility. Margaret Burton stated that ECUD has over 5,000 meters and many do not have water. She expressed appreciation for the water but requested that the contract be extended to five years. Ray Owsley, 11463 W. 26<sup>th</sup> St. stated that ECUD's plan fit better for a five year contract to become independent. The rest of the terms were agreed upon. Tommy Ervin, 1025 N. Moss, stated that the budget and the master plan would work better with a five year agreement. Jim Reese asked if CRMWD was audited. Council member Combs stated that the audit was available on its website.

Motion was made by Council member Bryant and seconded by Council member Carrasco to approve the resolution with the amendment of extending the contract to five years. The motion was approved by unanimous vote.

## MISCELLANEOUS

**Appointment of Boards: Community Development Advisory Committee. Appointment of Officers: Zoning Board of Adjustment.** No action taken.

### **Evaluate performance of Council appointees. (551.074)**

Council went into executive session as allowed by Section 551.074 of the Local Government Code for Council appointees' evaluation.

Upon returning from executive session, the following action took place, Mayor Turner stated that no action was taken in executive session.

Motion was made by Council member Combs and seconded by Council member Bryant that the following salaries be given for the beginning FY 2014-15 to the Council appointees: Associate Municipal Court Judge \$100,000 with a \$7,500 car allowance, Presiding Municipal Court Judge \$117,000 with a \$6,000 car allowance, City Secretary \$80,000 with a \$3,000 car allowance, City Attorney \$190,000 with a \$9,000 car allowance and City Manager \$217,000 with a \$9,000 car allowance. The motion was approved by unanimous vote.

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

There was no other business, the meeting adjourned at 9:18 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

David R. Turner  
Mayor