



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

OCTOBER 14, 2014

On October 14, 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: Council members: Dewey Bryant, District Two; Barbara Graff, District Three; Dean Combs, District Four; and Sandra Carrasco, District Five.

Members absent: Mayor David R. Turner and Council member Roger T. McNeil, District One.

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 Pro Tem Combs called the meeting to order and the following proceedings were held:

Mayor Pro Tem Combs asked to keep Midland Deputy Sheriff Mike Naylor in their thoughts as his life was taken in the line of duty. The invocation was given by Pastor Michael Courtney, Life Change Baptist Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Pro Tem Combs presented proclamations for Pink the Basin, White Cane Day and Code Enforcement Awareness Month.

CONSENT AGENDA ITEMS

- A. City Council minutes, September 23, 2014;
- B. **Ordinance No. 2014-54 - 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.);**
- C. **Resolution No. 2014R-80 – Authorize the City of Odessa Police Department to accept Texas Law Enforcement Officer Standards Education funds (LEOSE);**
- D. Authorize the City of Odessa Police Department Animal Control to apply for a Mason Foundation grant;
- E. Purchase a truck outfitted with lift from Caldwell Country Chevrolet in the amount of \$99,968;
- F. Purchase various motorized equipment from Warren Cat in the amount of \$334,888;

- G. Purchase Toro motorized equipment for the golf course and the Parks Department from Professional Turf Products in the amount of \$273,405;
- H. **Resolution No. 2014R-81 - Authorize the City to accept \$9,164 from the Texas "J" RAC 2014 EMS/Trauma Care System funds;**
- I. **Resolution No. 2014R-82 - Authorize the City of Odessa Fire/Rescue Fire Marshal to accept Texas Law Enforcement Officer Standards Education funds (LEOSE);**
- J. **Ordinance No. 2014-55 - Taxicab franchise for Khodiar Trade Investments, Inc. d/b/a Metro Taxi;**
- K. **Ordinance No. 2014-56 - Taxicab franchise for Patrick Kirk, Inc. d/b/a Imperial Taxi;**
- L. Purchase athletic field lighting for the baseball field at Jim Parker Complex from Musco Sports Field Lighting in the amount of \$110,000;
- M. Three year contract award to provide marketing and advertising services for Ratliff Ranch Golf Links to CVA Advertising in the amount of \$150,000.

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

Resolution No. 2014R-83 – Authorize the City of Odessa Police Department Animal Control to apply for a Mason Foundation grant. Police Chief Tim Burton stated that this item would allow applying for a grant for a needs assessment of the Animal Control building. The funds could be used for building plans. The maximum amount of the grant is \$4,000 and there would be a cash match. Council member Graff was concerned that the funds would be used only to identify an assessment. Council member Bryant called the question.

Motion was made by Council member Bryant and seconded by Council member Carrasco that the resolution be approved. The motion was approved by unanimous vote.

OTHER COUNCIL ACTION

BID AWARD

Bid award for the East Side drainage channel improvements. Hal Feldman, Traffic Engineer, stated that the bid award for the East side drainage channel was phase two. Three bids were received and the lowest bid was under the engineer's estimate. The award would rehab the existing drainage channels. He recommended the bid award to Aquatech Septic and Underground in the amount of \$885,286.

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

Bid award to prepare and apply swimming pool paint to the pool surface interior at Sherwood and Woodson Family Aquatic Centers. Phillip Urrutia, Director of Purchasing, stated that the bid award would provide repairs to the swimming pools at Sherwood and Woodson Parks. It would repair cracks and damages and coat the pools. The work was guaranteed for five years. He recommended the bid award to The Slide Experts in the

amount of \$130,000.

Motion was made by Council member Graff and seconded by Council member Carrasco 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 Tres Legado Land Co. LLC and BDC Family Ltd. Partnership, owners, for original zoning of Light Commercial (LC) on approximately 1.6 acre tract and original zoning of Future Development-Drill Reservation (FD-DR) on approximately 2.1 ac. tract in Section 3, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (north of the intersection of Tres Hermanas Blvd. and De Morado Dr.). Randy Brinlee, Director of Planning reviewed the location of the property which is vacant. The purpose of the zoning would be for retail commercial development and 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 Bryant and seconded by Council member Carrasco to approve the ordinance on first approval. 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 stated that due to the results of comments at the public hearings and visits, the annexation would be restricted to three areas. The three areas would include the Odessa Country Club area which was a voluntary request, the area going to Crane and the west section that included Halliburton and Baker Hughes. Council member Bryant commended staff for their work on the annexation process. He expressed appreciation to the business owners for voicing their concerns. No one came forward and the public hearing was closed.

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

Open a public hearing to consider the limousine franchise renewal of Frank Nastase, d/b/a Basin Limousine. Mr. Long stated that Basin Limousine has been operating since 2000 and would operate one limousine of 14 passengers. No one came forward and the public hearing was closed.

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.

Open a public hearing to consider creating Reinvestment Zone No. 7. Mr. Long stated that the request was from Air Products to create a reinvestment zone. The area was seven acres and would create nine jobs with an investment of \$32 million. The five year agreement would have a tax credit that would decrease by 20% each year. The Tax Committee agreed to the tax abatement. Mr. Morton stated that it was located in the Industrial District. Todd Brown asked if other businesses could participate in this reinvestment zone. Mr. Long stated that it was only for Air Products. William Richie, from

Air Products, was present to answer any questions. No one else came forward and the public hearing was closed.

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

ORDINANCE

Abandonment of a portion of alley right-of-way located in Block 49, Scharbauer Place 2nd Filing, Odessa, Ector County, Texas. Mr. Feldman stated that the alley was located between N. County Road West and Elliott Ave. (1800 block of West 5th Street) for the abandonment of right-of-way. The City would retain the general utility easement and receive \$2,565, fair market value, for the property.

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

Amending Article 1-1-9 (e) (5) of the City Code of Ordinances to change "Neighborhood Development Services" to "Code Enforcement" to reflect the division's name change. Merita Sandoval, Director of Community Development, stated that renaming Neighborhood Development Services to Code Enforcement would better reflect the type of work done daily. The citizens would be able to locate and identify the department easily. The renaming would complete the reorganization of the department.

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

Citizen's comments on non-agenda items. Todd Brown, Midessa Mobile Food Vendor Association, stated that members of the Association had quality food trucks. He asked Council to reconsider the ordinance to allow the food vendors to do their business. Erik Prado, 51 La Promesa Circle, stated that the restricted times for the food vendor ordinance was too restrictive and it affected the livelihood of the owners. Mike Oden, 9413 W. University, owned a catering trailer and the food truck vendors had a right to operate in the city. The vendors have permits with the State and the County. He stated that there was a problem with the limited amount of permits allowed in the year. Devon Subia, 2604 Beechwood, owns Tasty Bones food truck and the County has taken the City ordinance and passed one similar for the County. The 25 permits were restrictive and it was difficult to make a living. He asked Council to reconsider the ordinance. The commissary requirement was too restrictive. Adrienne Puente, owner of LS Tropical Trees, requested that the food vendor ordinance be changed to allow operation 365 days a year. Savannah Morales, 3600 Andrews Hwy., stated that the food truck vendor operates with the night life. She requested that the hours be changed and the City provides assistance with the commissary. Manuel Garza, 13552 Stagecoach, stated that the food vendor ordinance was harsh with the time requirements. He stated that the time to obtain the permits took money out of his pocket since he could not sell the food from his truck while waiting on the permit. Mayor Pro Tem Combs thanked the citizens for expressing their concerns to the Council.

There was no other business, the meeting adjourned at 6:48 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

David R. Turner
Mayor