



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

**NOVEMBER 25, 2014**

On November 25, 2014, 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; Council members elect: Michael Gardner and Filiberto Gonzales.

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 Fr. Isidore Ochiabuto, St. Joseph's Catholic Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

**OATH OF OFFICE**

**Certificate of Election.** Mayor Turner presented a certificate of the election to the newly elected officials: Council member Barbara Graff, Council member elect Michael Gardner and Filiberto Gonzales.

**Administer Oath of Office to newly elected officials.** Mrs. Grimaldo administered the Oath of Office to Barbara Graff, Michael Gardner and Filiberto Gonzales. Each of the elected Council members thanked their constituents and families for their support.

Mayor Turner presented out-going Council member Carrasco with a plaque, and thanked her for her service on the Council. Mr. Morton presented Council member Carrasco with a street sign, "Carrasco Circle."

**CONSENT AGENDA ITEMS**

- A. City Council Minutes, November 11, 2014;
- B. City Council minutes, November 12, 2014;
- C. **Ordinance No. 2014-63 – Request of Pecos Valley, Ltd., owner, Gold Capp Mgmt. (Chris Robin), optionee, to rezone from Retail (R) to Planned Development-Retail-One (PD-R-1) approximately 1.15 ac. tract out of Lot 1, Block 20, Esmond Estates, 8th Filing (southwest corner of the intersection of E. 52nd St. and Tanglewood Ln.);**
- D. **Resolution No. 2014R-89 – Provide for only one City Council meeting for the month of December 2014;**
- E. **Resolution No. 2014R-90 – Lease agreement with Representative Brooks Landgraf;**

- F. **Resolution No. 2014R-91 – Lease extension of office space at 411 W. 8<sup>th</sup> St. to the area’s United States Congressional Representative;**
- G. Provide guyed tower modifications on Pool Road tower for \$126,441;
- H. Purchase six Motorola MW-810 Mobile Data Terminals for Animal Control vehicles including Motorola Mobile and Records software for \$62,063;
- I. Review monthly financial summary report for September 2014;
- J. Review monthly financial summary report for October 2014.

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

### **OTHER COUNCIL ACTION**

#### **BID AWARD**

**Bid award for the East Channel Drainage Basin Improvements, Phase 1.** Yervand Hmayakyan, City Engineer, stated that the purpose of this project was to excavate approximately 170,000 cubic yards of detention basin with the appropriate channelization and overflow to improve drainage. He recommended the bid for phase 1 of the east channel drainage basin to THB Construction in the amount of \$2,431.271.

Motion was made by Council member Graff and seconded by Council member Bryant to approve the bid award. The motion was approved by unanimous vote.

#### **PUBLIC HEARING**

**Open a public hearing to consider approval of the request of Texas Tierra III LTD, owner, Verizon Wireless, (Vincent Gerard and Associates, Inc.) leasee, for a specific use permit to allow a 75 ft. monopole antenna structure (tower) in a Retail (R) Zoning District, Lot 23, Block 15, University Gardens (northeast of the intersection of N. John Ben Shepperd Parkway and Oakwood Dr.).** Randy Brinlee, Director of Planning, reviewed the location of the property which was vacant. The purpose was for a 75-foot antenna structure. Access to the structure would be from Oakwood. The Planning and Zoning Commission recommended for approval. Vincent Gerard, Verizon representative, was present to answer questions. No one else came forward and the public hearing was closed.

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.

#### **RESOLUTION**

**Chapter 380 Agreement with Cinergy Cinemas, L.P. d/b/a Cinergy Cinemas & Entertainment, for the development of property located just off Highway 191, east of Faudree Road in Odessa, Texas.** Steve Elsworth was concerned about changing the rules for an incentive to the theater. He stated it would set a bad precedent and it would be competing with other theaters that pay their taxes.

Council went into executive session under sections 551.072 and 551.087 to discuss: Chapter 380 Agreement with Cinergy Cinemas, L.P. d/b/a Cinergy Cinemas & Entertainment, for the development of property located just off Highway 191, east of Faudree Road in Odessa, Texas; purchase Lots 7, 8 and 9, Block 47, Original Town, for land consolidation; and the City of Odessa to submit a proposal to CRMWD to finance well field improvements.

Upon returning from executive session, the following action took place:

**Resolution No. 2014R-92 – Chapter 380 Agreement with Cinergy Cinemas, L.P. d/b/a Cinergy Cinemas & Entertainment, for the development of property located just off Highway 191, east of Faudree Road in Odessa, Texas.** Mr. Morton stated that the Chapter 380 agreement would be a \$23 million investment with 100 jobs. The rebate would be up to \$2.5 million to be earned over 20 years. There would be no cash up front.

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

**Resolution No. 2014R-93 – Adopt amended guidelines for Chapter 380 economic development incentives.** Mr. Long stated that the current minimum investment was \$8 million. The recommended amended guidelines would state that if the amount of the investment was increased then the jobs would be lowered.

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

**Resolution No. 2014R-94 – Purchase Lots 7, 8 and 9, Block 47, Original Town, for land consolidation.** Mr. Long recommended the option to exercise the purchase of the land.

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

**Resolution No. 2014R-95 – Authorize the City of Odessa to submit a proposal to CRMWD to finance well field improvements.** Mr. Morton stated that the proposal to finance the well field improvements would develop and enhance the ability to obtain more water. It would expand the Ward County well fields from 45 MGD to 65 MGD at an estimated cost of \$36,958,600. The City of Odessa would provide funding for these improvements up to \$38 million. The City would participate in the design, bid and construction process with CRMWD. The proposal would pump water from the Ward County well fields to fully meet Odessa's water needs if necessary due to lack of adequate surface water supplies. The proposal would meet the needs of Big Spring, Snyder and Odessa.

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

**MISCELLANEOUS**

**Appointment of Officers. Community Development Advisory Committee.** No action.

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

There was no other business, the meeting adjourned at 7:09 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC  
City Secretary

David R. Turner  
Mayor