



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

MARCH 25, 2014

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

Member absent: 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 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.

Carrie Bronaugh, Permian Basin Regional Council Alcohol and Drug Abuse (PBCADA), stated that the marijuana program was to educate and provide facts in the community. The campaign was sponsored by the PBCADA and Midland. The focus was for awareness to live healthy lives. She stated that a survey identified that the youths use slang terms for marijuana. She reviewed the statistics of the survey. She hoped that the campaign would educate the youth and make right choices for their future.

CONSENT AGENDA ITEMS

- A. City Council minutes, March 11, 2014;
- B. **Ordinance No. 2014-11 – Request of Augustine R. and Trinidad Moralez, owner, for original zoning of Retail (R) on approximately a 1.96 ac. tract in the southern part of Section 33, Block 42, T-2-S, T&P RR. Co. Survey, Ector Co., Texas (southwest of the intersection of Summer Ave. and W. Monahans St.);**
- C. **Ordinance No. 2014-12 - Request of Permian Machinery Movers, Inc., owner, for original zoning of Light Industrial (LI) on approximately a 10.10 acre tract in Section 40, Block 42, T-2-S, T&P RR. Co. Survey, Ector Co., Texas (southeast of the intersection of IH-20 and S. County Road W.);**
- D. **Ordinance No. 2014-13 - Request of Engineered Pipeline Systems, Inc., owner, Landgraf, Crutcher and Assoc., Inc., agent, for original zoning of Light Commercial (LC) on approximately a 7.40 acre tract located in Sections 15 and 21, Block 41, T-2-S, T&P RR Co. Survey, Midland Co., Texas (northeast corner of Faudree Rd. and W. Hwy. 80 E.)**

- E. **Ordinance No. 2014-14 – Establish school zones;**
- F. **Ordinance No. 2014-15 – Prohibit parking on I-20 south frontage road between JBS Parkway and SE Loop 338;**
- G. **Ordinance No. 2014-16 – Establish a one-way alley at Summer Avenue from Clifford Street to Clements Street;**
- H. Purchase parks and golf course equipment from Professional Turf Products in the amount of \$281,712.11; and C&M Golf & Ground Equipment in the amount of \$4,895;
- I. Purchase AVL devices for city vehicles/equipment from AssetWorks in the amount of \$89,581.05;
- J. Franchise to operate a shuttle service by Salah Hijazi d/b/a Lone Star Limo;
- K. Review and accept the 2013 Comprehensive Annual Financial Report;
- L. Renew contract with Rene' Bates Auctioneers for auctioneering services;
- M. Renew contract with Total Office Solutions for city-wide copier machines for three-years;
- N. Review Monthly Financial summary report for February 2014;
- O. **Resolution No. 2014R-19 – Review and approve the Approved Brokers/Dealers list;**
- P. **Ordinance No. 2014-17 - Amending Section 2-1-5, entitled "Appeals", of Chapter 2 of the City Code of Ordinances, entitled "Animal Control";**
- Q. **Ordinance No. 2014-18 - Negotiated settlement agreement between the Steering Committee of Cities served by Atmos West Texas ("Cities") and Atmos Energy Corp., West Texas Division, regarding the company's 2013 Statement of Intent to Increase Rates.**

Motion was made by Council member Bryant and seconded by Council member Graff to remove Items J & K. The motion was approved by unanimous vote.

Motion was made by Council member Combs and seconded by Council member Bryant to approve the consent agenda except for Items J & K. The motion was approved by unanimous vote.

Motion was made by Council member Combs and seconded by Council member Graff to table Item J. The motion was approved by unanimous vote.

Review and accept the 2013 Comprehensive Annual Financial Report. Cindy Muncy, Financial Reporting Accountant, thanked the City staff that was instrumental in assisting with the Comprehensive Annual Financial Report (CAFR). David Duree, Weaver and Tidwell, stated that the report was for fiscal year ending 2013. He expressed appreciation for the time of city staff. The CAFR received an unqualified opinion. It was a clean opinion. The State and Federal reporting was clean. The Midland Odessa Urban Transit District issues were resolved and it was a clean report. There was an increase in assets in 2013. The revenues and expenses were higher as well. There was an increase in sales tax but property tax remained the same. In the last ten years, the General Fund balance was up by \$14 million. Odessa's debt per capita was \$1,410.

Motion was made by Council member Combs and seconded by Council member Graff that

the Comprehensive Annual Financial Report be approved. The motion was approved by unanimous vote.

OTHER COUNCIL ACTION

Resolution No. 2014R-20 – Contract award for 2014 pavement rejuvenation. Matt Squyres, Director of Public Works, stated that this was the fifth year for pavement rejuvenation which was a supplement to maintenance. He recommended the award be made to Pavement Restoration in the amount of \$693,981.

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.

Mayor Turner thanked Mr. Squyres for 30 years of service to the city. He received a standing ovation.

PUBLIC HEARING

Resolution No. 2014R-21 - Open a public hearing authorizing the City's exercise of its enforcement power authorized by Subchapter H "Suit By Others" of the Texas Water Code for violations of Chapter 26 of the Texas Water Code and Chapter 382 of the Texas Health and Safety Code. Mr. Long stated that were problems with dumping in the sewer system. He stated that tools were available to assist in the matter. The resolution would allow order civil penalties, seek damages and allow for a restraining order. No one came forward and the public hearing was closed.

Motion was made by Council member Combs seconded by Council member Graff to approve the resolution. The motion was approved by unanimous vote.

ORDINANCE

Amending City of Odessa Code of Ordinances Article 6-6 “food establishments”, by amending sections 6-6-1, “definitions”, section 6-6-4 “supplemental rules”, section 6-6-32 “application; inspection of premises; fee; and adding section 6-6-6, entitled “mobile food establishments”. Mr. Long stated that the ordinance would regulate mobile food establishments. It provided health and safety changes to protect the safety of the food supply. Gino Solla, Ector County Health Director, stated that due to the growing population the ordinance would be brought up-to-date, assist in enforcement to provide sanitary and wholesome food.

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

MISCELLANEOUS

Appointment of Board: Community Development Advisory Committee, Citizens Golf Advisory Committee, Traffic Advisory Committee, and Animal Shelter Advisory Committee. Motion was made by Council member Graff and seconded by Council member Bryant to appoint the following for the Animal Shelter Advisory Committee:

Roger McNeil, City official
Gerrid Bowen
Susan Clark
Connie Coots
Holly Dool
Mesha Randolph, Welfare Organization Representative
Joyce Trower
Dr. Henry Lide, Veterinarian; and
Cheryl Brom, Ector County Representative

The motion was approved by unanimous vote.

Citizen's comments on non-agenda items. Lori Baker, 4900 Locust, provided pictures of dogs and puppies that were euthanized due to a clerical error. She reported that volunteers save dogs by spending their own funds. She stated that her son was in an accident. Since the accident, she has been followed by police officers.

Ted Tuminowski stated that the Council went into closed session regarding the water at a past meeting. He stated that the citizens were concerned with the water and would like to know the status with the water issue. Mayor Turner stated that proposals were received and the Council requested that CRMWD give a report on the proposals. No specific information would be given out in open session. Mr. Tuminowski applauded the Council for discussing moving or having a combination of a 4A and a 4B sales tax. He stated it was an investment to improve the quality of life.

Discuss and consider RFPs for the delivery of water to CRMWD. (551.071). Motion was made by Council member Graff seconded by Council member Carrasco to go into executive session under 551.071. The motion was approved by unanimous vote.

Upon returning from executive session, the following action took place: John Grant, CRMWD General Manager, reported that CRMWD received proposals from four geographical areas. The proposals would be evaluated on quality and quantity of water. Currently, CRMWD could provide 44 million gallons of water a day and water would not run out. From Ward County, there was 45 million gallons of water supply for a day. Odessa uses about 20 million gallons a day. CRMWD was not using water from Ward County. Surface water from the lakes was being used and ground water would be used if needed to meet the demands for water. CRMWD would leave it up to the cities for water usage but encouraged water conservation.

There was no other business, the meeting adjourned at 7:46 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

David R. Turner
Mayor