



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

OCTOBER 25, 2016

On October 25, 2016, 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.

Council members present: Mayor David R. Turner; Council members: Dewey Bryant, District Two; Barbara Graff, District Three; Michael Gardner, District Four; and Filiberto Gonzales, District Five.

Council member absent: Amye McNeil, District One.

Others present: Richard Morton, City Manager; Larry Long, City Attorney; Norma Aguilar-Grimaldo, City Secretary; 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 Pastor Donovan Earl, Crossroads Fellowship and followed by the Pledge of Allegiance to the United States and Texas flags led by Boy Scout Troop 1908.

Mayor Turner presented a proclamation for Purchasing Goes Pink Week. Gerald Ford presented the German Foreign Exchange Students from the German American Partnership Program. Mayor Turner presented Keep Odessa Beautiful a check of \$3,131.29 from his campaign fund.

CONSENT AGENDA ITEMS

- A. City Council minutes, October 11, 2016;
- B. **Resolution No. 2016R-120 – Change order to fire pumper and ladder purchase agreement with Siddons-Martin in the amount of \$297,054;**
- C. **Resolution No. 2016R-121 – Accept an anonymous donation to Odessa Fire Rescue and appropriating the funds from said donation;**
- D. **Resolution No. 2016R-122 – Award contract to DXP Enterprises in the amount of \$116,733 for the purchase of Patterson pump;**
- E. Amending Article 3-14 of the City of Odessa Code of Ordinances, entitled "Signs", by amending Section 3-14-33, entitled "Unsafe signs.";
- F. Amending Article 3-10 Of The City Of Odessa Code Of Ordinances, entitled "Dangerous Buildings", by amending Section 3-10-1, entitled "Authority Of City; Conflicting Regulations" and by amending Section 3-10-13, entitled "Occupied Unsafe Structures.";
- G. Amending Article 6-5 of the City of Odessa Code of Ordinances, entitled "Accumulations of weeds, rubbish, brush or other

- objectionable matter”, by amending section 6-5-5, entitled “Duties of lot owners”;
- H. Purchase Toro motorized equipment for the golf course and Parks Department from Professional Turf Products in the amount of \$165,744.94;
 - I. Renew annual Sungard HTE software support in the amount of \$121,964;
 - J. Annual Microsoft Enterprise agreement in the amount of \$224,000.

Motion was made by Council member Graff and seconded by Council member Gonzales that the Agenda Items E., F., and G be removed. The motion was approved by unanimous vote.

Motion was made by Council member Gonzales and seconded by Council member Bryant that the consent agenda items be approved except for Agenda Items E., F. G. The motion was approved by unanimous vote.

Ordinance No. 2016-37 - Amending Article 3-14 of the City of Odessa Code of Ordinances, entitled “Signs”, by amending Section 3-14-33, entitled “Unsafe signs.”. Mr. Long stated that this ordinance would declare unsafe signs a nuisance.

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

Ordinance No. 2016-38 - Amending Article 3-10 Of The City Of Odessa Code Of Ordinances, entitled “Dangerous Buildings”, by amending Section 3-10-1, entitled “Authority Of City; Conflicting Regulations” and by amending Section 3-10-13, entitled “Occupied Unsafe Structures.” Mr. Long stated that the ordinance would designate dangerous buildings as a nuisance. It would allow the City to exercise the power to declare dangerous buildings within 5,000 feet outside the city limits. Cases would be handled in Municipal Court.

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

Ordinance No. 2016-39 - Amending Article 6-5 of the City of Odessa Code of Ordinances, entitled “Accumulations of weeds, rubbish, brush or other objectionable matter”, by amending section 6-5-5, entitled “Duties of lot owners”. Mr. Long stated that the ordinance would designate weeds, rubbish, brush and other objectionable matter as a nuisance.

Motion was made by Council member Gardner and seconded by Council member Gonzales to approve the ordinance on second and final approval. The motion was approved by unanimous vote.

OTHER COUNCIL ACTION

Purchase 15 outfitted Police package Tahoes and equipment. Phillip Urrutia, Director of Purchasing, stated that the total cost of the Police Tahoes was \$1,036,521.85 at \$70,595.46 for each vehicle that included the turn key package. Tahoes have a longer life span than

sedans.

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

Purchase side load refuse trucks. Mr. Urrutia stated that four refuse trucks would be purchased, for replacement trucks, from Kann in the amount of \$1,118,216 which was \$279,554 per vehicle. There were six spare trucks. The maintenance for these trucks was \$30,000 per year.

Motion was made by Council member Gardner and seconded by Council member Gonzales that the purchase of side load refuse trucks be approved as recommended. The motion was approved by unanimous vote.

BID AWARD

Bid award for the 3rd Street improvements. Yervand Hmayakyan, City Engineer, stated that the award was to reconstruct roadway, install sidewalk and curb and gutter. He recommended awarding the contract to Jones Brothers in the amount of \$2,097,694.91.

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

PUBLIC HEARING

Ordinance 2016-40 - Open a public hearing to consider approval of the request of City of Odessa, owner, LCA, agent, to rezone from Central Business District-Two (CB-2) to Central Business District-One (CB-1) on Lots 1-6, Block 42, the north 70 ft. of Lot 3 and Lots 4-9, Block 47, Original Town (vicinity of the intersection of E. 5th St. and Jackson Ave.) Randy Brinlee, Director of Planning, stated that the location was at 5th St. and Jackson. The purpose for the rezoning would be to develop a conference center, hotel, and parking lot. The rezoning would align with the long term use of the property. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

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

Open a public hearing to consider approval of the request of St. Luke's Methodist Church, owner, and April Terrell--Aladdin's Castle Learning Center, optionee, for a specific use permit to allow a nursery school in a Single Family Three (SF-3) Zoning District, Lot 8, Block 2, Lyndale Addition (northeast of the intersection of E. 42nd St. and Lyndale St.) Mr. Brinlee stated that the location was at 42nd St. and Lyndale. The purpose was for a nursery school. He reviewed the site plan. The building meets setback requirements. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

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

Open a public hearing and consider adopting the revised Water Conservation and

Drought Contingency Plan. Thomas Kerr, Director of Public Works/Utilities stated that this was a revision to the plan. Cindy Patterson highlighted the changes that included updated goals. The changes were only to the water conservation plan.

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

ORDINANCE

Remove from the table and consider amending Article 4-6 of the City of Odessa Code of Ordinances, entitled “Peddlers and Itinerant Vendors.” Motion was made by Council member Bryant and seconded by Council member Gardner to remove the item from the table. The motion was approved by unanimous vote. Mr. Long stated that the ordinance would exempt public schools, trespassing enforced, set hours of operation, and specify grounds for denial of a permit.

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

Ordinance 2016-41 - Amend Chapter 2, entitled “Animal Control”, of the City Code of Ordinances. Vanessa Ramirez, Assistant City Attorney, stated that the ordinance would mandate microchipping and spay and neutering only if the Animal Control officers caught an animal. The age of the animal for public sale was changed to three months. The cost of spay and neutering would be \$50 which would be done in-house. Lori Baker, 4900 Locust, asked that the Council require mandatory microchipping to help get the animals back to their owner. It would make people accountable for pets. She asked that the number of pets allowed be increased. Susie Clark, 1715 Dotsy, Chairman of the Animal Control Advisory Board, asked that the microchipping be mandated. The tags were easily removed. She presented a microchip. Dr. Henry Lide, Animal Control board member, stated that microchipping provided identifying the animal, personal ID and required for traveling abroad. It would provide pets safety. Motion was made by Council member Graff to include the mandatory microchipping into the ordinance. The motion died for a lack of a second.

Council member Bryant asked to increase the number of animals allowed for the rescuers. Jackie Adimare, Animal Control Manager, has a file that identifies the rescuers.

Motion was made by Council member Bryant and seconded by Council member Gardner to approve the ordinance with an amendment of exempting the rescuers to allow up to eight animals on second and final approval. Council member Gardner stated that Council didn't need to tell the citizens to mandate microchipping their pets. Council member Bryant was against the mandated microchipping for citizens should have that right to make that decision. Council member Gonzales stated that citizens should make the decisions on their pets without being forced. Council member Graff would like to discuss allowing chickens inside the city limits at a future meeting.

Council member Bryant called the question. The motion was approved by a 3-1 vote with Council member Graff casting the nay vote.

Ordinance 2016-42 - Remove from the table and consider amending Section 1-1-9(b)(1), Entitled “General Penalty; Continuing Violations; Right of Entry; Enforcement Officers”. Motion was made by Council member Bryant and seconded by Council member Gardner to remove the item from the table. The motion was approved by unanimous vote.

Mr. Long stated that the ordinance would have three levels of fines. It would increase animal fines up to \$2,000 for violations of rabies confinement, vicious animals, unlawful entry, failure to release animal, and interference with impoundment.

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

Amending Section 1-13-83 of the City Code of Ordinances for revisions to the existing rental rate fee structure for the five community buildings and Floyd Gwin Gym. Steve Patton, Director of Parks and Recreation, stated that a review cost on the rates was done. He reviewed the proposed new rates. The rates would break even with the costs. Council member Graff stated that the rates be reviewed every two years.

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

Remove from the table and consider adopting the Downtown Odessa Master Plan for the City of Odessa. Motion was made by Council member Gonzales and seconded by Council member Gardner to remove the item from the table. The motion was approved by unanimous vote. Gloria Salinas, Downtown Odessa Director, stated that the plan was a step-by-step guide to revitalize downtown in conjunction with the Master Plan.

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

Tabled - Adopt a Downtown Overlay Zone for the City of Odessa. Motion was made by Council member Bryant and seconded by Council member Graff to table this item. The motion was approved by unanimous vote.

MISCELLANEOUS

Appointment of Officers: Building Board of Appeals. Motion was made by Council member Graff and seconded by Council member Gardner to reappoint David McGuire and Mike Stahl to the Building Board of Appeals. The motion was approved by unanimous vote.

Citizen's comments on non-agenda items. Dottie Chavez, 8225 San Simon, asked about the financial incentives on the hotel. Mr. Long did not want to disclose that information at this time. She did research on the hotel development on how it works. She had concerns during the recession on taxpayers taking the burden. Mr. Morton explained that there was no debt to the citizens. He explained the funds being used.

George Rice did not agree with the funds being spent on Downtown. He stated that there were other needs throughout the City,

Consider financial or other incentives to be offered for economic development of downtown hotel and conference center with Eofficial Enterprises, Inc. (551.087) and Evaluate performance of Council Appointees: City Manager Richard Morton, City Attorney Larry Long, City Secretary Norma Aguilar-Grimaldo, Municipal Court Judge Carol Gregg, and Associate Municipal Court Judge Dennis Jones. (551.074)

Motion was made by Council member Bryant and seconded by Council member Gardner to go into executive session under 551.087 and 551.074. The motion was approved by unanimous vote.

Upon returning from executive session, no action was taken. There was no other business, the meeting adjourned at 9:12 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

David R. Turner
Mayor