



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

**SEPTEMBER 13, 2016**

On September 13, 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 Amye McNeil, District One; Dewey Bryant, District Two; Barbara Graff, District Three; Michael Gardner, District Four; and Filiberto Gonzales, 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 Pastor James McCrary, First Baptist Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

**CONSENT AGENDA ITEMS**

- A. City Council minutes, August 23, 2016;
- B. Request by Miguel and Christina Benavides for original zoning to Planned Development-Single Family-One (PD-SF-1) on approximately 0.20 acre tract in Section 4, Block 41, T-2-S, T&P Ry. Co. Survey, Ector County, Texas (northwest of the intersection of Cobblestone Ln. and Castlegate Ln.);
- C. **Resolution No. 2016R-103 – Authorize the City of Odessa Police Department to accept a BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program;**
- D. Purchase HACH sewer flow meters from Macaulay Controls Company in the amount of \$152,221.22;
- E. Annexation of Lot 8, Block 1, Westmoor Acres Subdivision into Ector County Utility District;
- F. Reject bids for UTPB Park spray ground development;
- G. **Ordinance No. 2016-30 – Solid waste rate change.**

Motion was made by Council member Graff and seconded by Council member Gonzales that the Items B & E be removed from the consent agenda. The motion was approved by unanimous vote.

Motion was made by Council member Graff and seconded by Council member Gonzales that the consent agenda items be approved except for Items B & E. The motion was approved by unanimous vote.

**Ordinance No. 2016-31 – Request by Miguel and Christina Benavides for original zoning to Planned Development-Single Family-One (PD-SF-1) on approximately 0.20**

**acre tract in Section 4, Block 41, T-2-S, T&P Ry. Co. Survey, Ector County, Texas (northwest of the intersection of Cobblestone Ln. and Castlegate Ln.).** Randy Brinlee, Director of Planning, reviewed the location of the property which was vacant. The zoning would be for single family-one. The Planning and Zoning Commission recommended for approval with certain conditions.

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

**Resolution No. 2016R-104 - Annexation of Lot 8, Block 1, Westmoor Acres Subdivision into Ector County Utility District (ECUD).** Thomas Kerr, Director of Public Works/Utilities, stated that the annexation was for an ECUD lot to add water service.

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

#### **OTHER COUNCIL ACTION**

**Ratifying the Property Tax Revenue increase reflected in the FY 2017 Annual Budget.** Jamie Minor, Budget Manager, stated that the tax rate will remain \$0.470590 per \$100 valuation for FY 2016. The proposed rate is less than the effective tax rate of \$.475499, and lower than the rollback tax rate of \$.496203. The final vote on the proposed tax rate will occur on September 27, 2016. The annual budget for FY2017 will raise an additional \$1,142,282 from new property added to the roll this year. The budget will raise more total property taxes than last year's amended budget by \$751,107.

Motion was made by Council member Bryant and seconded by Council member Gardner that the property tax revenue be increased as reflected in the FY 2016-17 Annual Budget be approved. The motion was approved by unanimous vote.

#### **PUBLIC HEARING**

**Open a public hearing on the proposed tax rate and levy the tax for the 2016 tax year.**

Ms. Minor stated that the proposed tax rate of 47.0590 cents does not exceed the effective tax rate. A second public hearing will be held at the September 27, 2016 City Council meeting. The proposed tax rate provides for the continuation of the homestead exemption, the senior citizen exemption, the disabled veteran exemption, the exemption for disabled persons, and other state mandated exemptions. No one came forward and the public hearing was closed.

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

**Open a public hearing to consider annexation to the City of Odessa of approximately 25.47 acres of land out of Section 23, Block 41, T-2-S, Odessa, Midland County (south of IH-20); approximately 3.98 acres of land out of Section 25, Block 42, T-2-S, Ector County (north of East Murphy Street between South Meadow Avenue and South Pagewood Avenue, north of IH-20); and approximately 2.29 acres of land out of Section 18, Block 42, T-2-S, Ector County (north east corner of West Loop 338 and University).** Mr. Long stated that the annexation was for six parcels of land. Two properties were for industrial district. Three properties were for the CVS Pharmacy and one property

was on East Murphy. These were voluntary requests. No one came forward and the public hearing was closed.

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

### **ORDINANCE**

**Ordinance 2016-32 - Declare the unopposed candidates to be elected to the office as Mayor and City Council District Two.** Mrs. Grimaldo stated that the Mayor and District Two have unopposed candidates in each office. A certificate of unopposed candidates was presented. The ordinance would declare David R. Turner elected as Mayor and Dewey Bryant elected as Council member District Two.

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

**Amend Article 6-7, entitled "Tobacco Products," of Chapter 6 of the City Code of Ordinances, entitled "Health and Sanitation."** Mr. Long stated that a past comprehensive ordinance was passed for tobacco that included distances, retail and parks. The amended ordinance would provide the prohibited use of e-cigarettes.

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

**Amend Chapter 2, entitled "Animal Control," of the City Code of Ordinances.** Mr. Long stated that the amended ordinance would provide the safety and control of animals in the City. The comments were received from the Animal Control Advisory Committee. Vanessa Ramirez, Assistant City Attorney, highlighted the proposed changes in the ordinance that included tethering animals, animal waste, negligent care, traps prohibited, mandatory microchipping, public sale of animals, and enforcement of provisions. The ordinance proposed mandatory microchipping on all animals over four months of age.

Malcolm Hamilton asked about the tying up dogs in the front yard. Mr. Long stated that if the tying was not secure, it was not adequate control. Council member Bryant understood that the microchipping would be enforced if they were caught not mandatory requirement for all animals over four months old. Ms. Ramirez stated it would be a misdemeanor fine from \$500 up to \$2,000. The courts would set the fines. The shelter would microchip an animal for \$15. Debbie Gibbs stated mandating the microchipping would risk for diseases or surgery if taken to the shelter. She did not support the mandatory microchipping. Mr. Morton stated that the microchipping can be done at any veterinary. Discussion was held in regards to selling the animal at four months as opposed to the eight to 12 weeks normal time. The four months was a safe age. Candace Peppy was not in favor of the mandatory microchipping and was concerned with the criminal fine.

Motion was made by Council member Bryant to table the item. The motion died for a lack of a second motion. Council member Graff stated that changes to the ordinance could be made if passed on the first approval. Mr. Long needed to know the changes Council wanted to make to the ordinance. Susan Clark stated that the best age to sell an animal was eight to 12 weeks. Council member Gardner had a issue with the mandatory microchipping but was satisfied if the animal gets picked up by Animal Control. He didn't want to hamper the

rescues or want animals to be sold at parking lots.

Motion was made by Council member Bryant and seconded by Council member Gardner to amend the ordinance with no mandatory microchipping unless they are caught and incorporate the selling at eight to 12 weeks for first approval.

Discussion was held on the criminal misdemeanor. Maribel Vasquez, kennel attendant, stated that the shelter receives 20 to 30 animals a day and most were not microchipped. She supported the mandatory microchipping to help locate owners, especially if the animal was hurt. Council member Gardner called for a question. The motion was approved by a 4 – 1 vote with Council member Graff casting the nay vote.

**Tabled - 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 Buildings” and by amending Section 3-10-13, entitled “Occupied Unsafe Structures” and Amend Article 3-14 of the City of Odessa Code of Ordinances, entitled “Signs”, by amending Section 3-14-33, entitled “Unsafe signs.”** Motion was made by Council member Graff and seconded by Council member Bryant to table these two items. The motion was approved by unanimous vote.

**Amend Article 1-1 of The City Of Odessa Code Of Ordinances, Entitled “Code of Ordinances”, By Amending Section 1-1-9(b)(1), Entitled “General Penalty; Continuing Violations; Right Of Entry; Enforcement Officers”.** Mr. Long stated that the amendment would add the provisions delineated in the proposed Animal Control Ordinance allowing for a penalty of up to \$2,000. The activities for the \$2,000 penalty were for rabies confinement, failure to release animals, keeping a vicious animal and interference with impoundment.

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

## RESOLUTION

**Resolution No. 2016R-105 – Adopt the City of Odessa FY 2017 Annual Budget.** Mr. Hildebrandt stated that the budget was for FY 2016-17 that begins on October 1. A budget retreat was held and the proposed budget was filed with the City Secretary. Notices were published and a public hearing was held on August 23, 2016. The budget proposed \$204 million in revenues and a General Fund budget of \$84 million.

Motion was made by Council member Bryant and seconded by Council member Gonzales to approve the resolution. The motion was approved by unanimous vote.

**Resolution No. 2016R-106 – Remove from the table and consider Hotel Conference Center Design Build agreement.** 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 agreement of the hotel conference center would provide for design and construction of the hotel, convention center, parking garage, plaza, and Ector Theater. The design includes a full service hotel for \$47 million with at least 200 rooms and a garage with 300 parking spaces. The hotel construction cost was \$29,335,981 plus architect fees. The conference facility construction was \$21,707,594 plus architect fees. The design completion date was to be completed on December 7, 2016. The project completion date would be January 9, 2019.

Motion was made by Council member Bryant and seconded by Council member Gonzales to approve the resolution. The motion was approved by unanimous vote.

**Resolution No. 2016R-107 – Acquisition of Lots 1-6, Block 40, Original Town, and Lots 4-7, North Half (N/2) of Lot 8, and Lot 9 and South Half (S/2) of Lot 8, Block 48, ORIGINAL TOWN (551.072)** Mr. Morton stated that this would purchase the Odessa American property for \$1.6 million and if they moved in 24 months there would be paid an additional \$50,000. They could stay in the building up to three years. The City would have access to the parking lot.

Motion was made by Council member Gardner and seconded by Council member Bryant to approve the resolution. The motion was approved by unanimous vote.

### MISCELLANEOUS

**Appointment of Boards: Odessa Housing Finance Corporation and Permian Basin Airport Board. Appointment of Officers: Building Board of Appeals and Planning and Zoning Commission.** Motion was made by Council member Bryant and seconded by Council member Gardner to appoint the following:

Barbara Graff reappointed to the Permian Basin Airport Board  
Gloria Pena reappointed to the Permian Basin Airport Board  
Jerry Morales reappointed to the Building Board of Appeals  
Gary Sims reappointed to the Planning and Zoning Commission  
Steve Tecero reappointed to the Planning and Zoning Commission

The motion was approved by unanimous vote.

**Citizen's comments on non-agenda items.** Jim Rector, 7100 Tobosa, thanked the Council for its Downtown Odessa revitalization efforts in setting an action plan and moving forward with the project and concept. Alejandro Barrientes received a ticket for violating the mobile food ordinance on having more than eight seating for an area. He stated this truck was a commissary and the fire marshal had okayed his seating. Another City employee issued him a citation. He stated it was unfair.

Leslie Clancy requested an agenda item to legalize backyard chickens inside the city limits. A grassroots campaign had 600 signatures in support of chickens inside city limits.

There was no other business, the meeting adjourned at 7:29 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

David R. Turner  
Mayor