



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

JULY 10, 2018

On July 10, 2018, a regular meeting of the Odessa City Council was held at 6:00 p.m., at City Hall, Council Chambers, 5th floor, 411 W. 8th St., Odessa, Texas.

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

Others present: Michael Marrero, City Manager; Norma Aguilar-Grimaldo, City Secretary; Cindy Muncy, Interim Assistant City Manager; Gary Landers, Interim City Attorney; 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.

Brooks Landgraf, Texas House of Representative, stated the next legislative session would begin January 2019. He stated that a number of issues would impact the city. He would work with the elected officials. There would be two issues back for reconsideration: property tax caps that failed in the House last session and annexation on ETJ. Mayor asked that authority be given to the cities to regulate the game rooms. Representative Landgraf stated that Ector County has the authority to regulate the game rooms but it could be duplicated for the City. Council member Graff asked that the property tax caps and the annexation be fought. She requested that he protect the pension for the teachers. She thanked him for his service. Council member Bryant stated he did good work on funding education. Mayor Turner asked for funds for our roads. Representative Landgraf would continue to work on addressing the infrastructure and the highway. He thanked the Council for the public service and their strong local leadership.

CONSENT AGENDA ITEMS

- A. City Council Finance committee minutes, June 19, 2018;
- B. City Council minutes, June 26, 2018;
- C. City Council Finance committee minutes, July 3, 2018;
- D. **Resolution No. 2018R-56 – Authorize the City of Odessa Police Department to accept the DJ16-PY18 Justice Assistance Grant Program; Body-Worn Camera Program;**
- E. **Resolution No. 2018R-57 – Authorize the City of Odessa Police Department to accept a BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program;**
- F. **Resolution No. 2018R-58 – Accept a donation from City Pipe & Supply Corp. to the City of Odessa Police Department and appropriating the funds from said donation;**
- G. Annual renewal of Motorola/Premier One software for \$284,967.
- H. Award proposal to Onyx Contractors for Sherwood Park community

- building renovations for \$510,000;
- I. Award proposal to Onyx Contractors for Slator Park community building for \$320,000;
- J. Purchase SWAT transport unit for Police Department from Chastang Ford for \$159,945.

Motion was made by Council member Hamilton and seconded by Council member Gardner to approve the consent agenda items. The motion was approved by unanimous vote.

OTHER COUNCIL ACTION

PUBLIC HEARING

Open a public hearing to consider approval of the request of Warren Real Estate Holdings, owner, for original zoning of Light Industrial (LI) on Lots 3, 4 and 6 and Drill Site No. 1, Block 1, and Lot 12 and west 201.44 feet of Lot 11, Block 2, Odessa Industrial Development Park, 1st Filing (northeast of the intersection of Production St. and Meadow Ave.) Randy Brinlee, Director of Planning, reviewed the location. The purpose was for expanded use of industrial development. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

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

Open a public hearing to consider the renewal of a taxicab franchise for Korieck Bruns operating under the name Independent Taxi.) Natasha Brooks, Senior Assistant City Attorney, stated that the application for a taxicab franchise was approved by the Police Chief. The franchise was for five taxicabs and would comply with the code. Council member Gonzales asked if Uber has hurt the business. Ms. Bruns stated it had not. No one else came forward and the public hearing was closed.

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

ORDINANCE

Ordinance No. 2018-25 - Authorize the abandonment of S. Lee Avenue and alley right-of-way. Yervand Hmayakyan, City Engineer, stated that Alpha and Omega CS&C Inc. requested that the City abandon 0.49 acres of S. Lee Avenue right-of-way between W. Pearl Street and W. Murphy Street, approximately 0.13 acres of alley right-of-way. The City will not retain general utility, access or drainage easement over the abandoned street. The purpose is to fence off the abandoned street and alleys for yard use. The owners agreed to pay compensation. Jackie Johnson, Alpha and Omega, thanked the Council for its consideration and it would protect the liability on both parties. The company was a rental and pumping company.

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

Ordinance No. 2018-26 - Authorize the abandonment of 41st St. right-of-way. Mr. Hmayakyan stated that this would abandon 0.45 acres of 41st Street right-of-way between N.

County Road West and Wrangler Avenue. The City will not retain general utility, access or drainage easement over the abandoned street. The abandonment will facilitate expansion of the existing commercial businesses. The business owners agreed to pay compensation.

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

Amend the City Code of Ordinances, Chapter 12, entitled “Traffic and Vehicles”, by amending sections 12-1-1 and 12-5-1. Hal Feldman, Traffic Engineer, stated that the purpose was for providing uniformity with regard to the enforcement of parking, storing and driving of commercial vehicles and trucks. Council member Gonzales asked about the trucks being parked in the commercial parking lots. Mr. Marrero stated that staff was reviewing.

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

Amend Chapter 1, “General Provisions”, Article 1-8, entitled “Finances”, of the City Code of Ordinances by adding Section 1-8-6, entitled “Donations Policy”. Mr. Landers stated that the ordinance would allow the City to accept donations \$10,000 or less without Council approval. Council member Graff was opposed to the policy as it took away from transparency. Council member Bryant stated that the policy did not take away from the gift but would assist staff with City operations.

Motion was made by Council member Hamilton and seconded by Council member Bryant to approve the ordinance on first approval. The motion was approved by a 4-1 vote with Council member Graff casting the nay vote.

RESOLUTION

Resolution No. 2018R-59 - Amend the 2017-18 FY budget by appropriating an additional \$5,810,000 from the General Fund balance, awarding a bid for \$8.8 million dollars to Stoddard Construction Management for the Ector Theater rehabilitation project, and authorizing the City Manager to execute all documents necessary to carry out this resolution. Tom Kerr, Director of Public Works/Utilities stated that this was to consider the design and bid for the Ector Theater. The resolution would amend the FY 2017-18 budget and appropriate \$5,810,000 from the General Fund. Design and construction management cost \$784,000 and construction cost of \$10,025,200 for a total cost of \$10,810,000. He recommended the bid award to Stoddard Construction which was at a cost of \$8.8 million.

Council member Graff stated that the Ector Theater was very important but wanted the wow factor. With this architect, there was no final amount as other items had to be funded. The estimate in 2015 was \$5.5 million and went up to due increased costs. She recommended getting another architect as it would not affect the hotel or conference center. There were other good companies that would build a good Ector without the high cost. Council member Hamilton stated that the \$10.8 million was too much money. The City was heavy in oil and gas and the economy could change at any time. The tax payers should be getting a return-on-investment. He brought up Toby Eoff’s suggestion of an open venue. Council member Bryant didn’t like the price but the City was blessed with sales tax. The prices have

escalated but the project must move forward. Council member Gonzales asked if there was a system in place for the prices. Mr. Kerr reviewed the line items of the bid construction costs. He discussed the total budget and provided the detailed line items. Sondra Eoff stated that the hotel was over budget. Mr. Marrero stated that there would be additional funds for the convention center that was needed and Council would consider in the near future.

Motion was made by Council member Bryant and seconded by Council member Gonzales to approve the resolution. The motion was approved by a 3-2 –vote with Council members Hamilton and Graff casting the nay votes.

Council member Graff left the meeting at 6:42 p.m.

Resolution No. 2018R-60 – Adopt a policy to set aside ten percent of corporate revenues in a special account for promotional purposes on an annual basis for Odessa Development Corporation. Ms. Muncy stated that ODC wanted to set 10% of corporate revenue for promotional activities. The funds would be available to advance enticement of economic development through advertisement, the façade program, and the business challenge.

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

MISCELLANEOUS

Appointment of Boards: Traffic Advisory Committee, Citizens Golf Advisory Committee. Appointment of Officers: Board of Survey, and Zoning Board of Adjustment. Motion was made by Council member Bryant and seconded by Council member Gonzales to appoint Elva Graham to the Citizens Golf Advisory Committee. The motion was approved by unanimous vote.

Citizen’s comments on non-agenda items. No comments.

There was no other business, the meeting adjourned at 6:45 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

David R. Turner
Mayor