



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

**OCTOBER 9, 2018**

On October 9, 2018, a regular meeting of the Odessa City Council was held at 6:00 p.m., City Hall, Council Chambers, 5<sup>th</sup> floor, 411 W. 8<sup>th</sup> St., Odessa, Texas.

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

Mayor David R. Turner was absent.

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 Pro Tem Gonzales called the meeting to order and the following proceedings were held:

The invocation was given by Pastor America Rojas, Highland Methodist Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Pro Tem Gonzales presented a proclamation for Code Enforcement Awareness Month.

**CONSENT AGENDA ITEMS**

- A. Special City Council minutes, September 24, 2018;
- B. City Council workshop, September 25, 2018;
- C. City Council minutes, September 25, 2018;
- D. **Resolution No. 2018R-89 – Authorize the City of Odessa Police Department – Citizens on Patrol to apply for and accept; amending the fiscal budget to appropriate awarded funds as additional grant revenue and authorizing the expenditure awarded grant funds from the Walmart Foundation Community Grant Program;**
- E. **Ordinance No. 2018-42 - Create a Tax Increment Reinvestment Zone (TIRZ 1) establishing the boundaries there of and other matters and requirements relating thereto and declaring and effective date;**
- F. **Resolution No. 2018R-90 - Abandon two 20' general utility easements located in Lot 1, Block 1, Law Enforcement Center, Odessa, Ector County, Texas;**
- G. **Ordinance No. 2018-43 - Amend the City of Odessa Zoning Ordinances to amend 7-103 and 21-101 (170) to allow for the temporary housing of workers on construction sites;**
- H. Purchase a brush truck from Skeeter Brush Trucks for \$140,000;

Motion was made by Council member Graff and seconded by Council member Bryant to

approve consent agenda items. The motion was approved by unanimous vote.

#### **OTHER COUNCIL ACTION**

**Remove from the table to consider rejection of wrecker service proposals.** Motion was made by Council member Bryant and seconded by Council member Gardner to remove the wrecker service from the table. The motion was approved by unanimous vote.

Mike Gerke, Police Chief, requested that the two proposal be rejected. A new proposal packet would be reissued for wrecker services.

Motion was made by Council member Bryant and seconded by Council member Hamilton to reject the wrecker service proposals. The motion was approved by unanimous vote.

**Purchase traffic signal poles for University project.** Hal Feldman, Traffic Engineer, stated that the traffic signals poles were for the University project. The purchase was from Traffic Controls for \$140,974.

Motion was made by Council member Bryant and seconded by Council member Hamilton to purchase the traffic signal poles. The motion was approved by unanimous vote.

#### **PUBLIC HEARING**

**Open public hearing to consider annexation to the City of Odessa of approximately 2,975 total acres of land adjacent to city limit lines throughout the city's extraterritorial jurisdiction in Ector and Midland Counties, Texas.** Mr. Landers stated that the proposed annexation was all voluntary annexation. There were properties owned by the City and included paved roadways. He explained the Industrial Districts. He stated the Council could annex or renew the agreements. The Council could direct staff to annex certain locations, as well. He reviewed the proposed annexation. He stated Odessa was experiencing a growth and the annexation would allow controlled development in the gateways. Council member Gonzales asked about the pros and cons if the areas were carved out. Mr. Landers explained the annexation laws. The Council had options to annex only portions of land.

Ted Tuminowski, 117 Conley Place, had a distribution warehouse in Industrial District 2. There was no water available and asked if the City was required to provide utilities if annexed. He asked about the grandfather clause and why did the City want to annex since it would be added expense to the City. Mr. Landers explained the process and the City was to provide a service plan. The City was not required to provide service if the infrastructure was not available. He explained the grandfather clause and the zoning for the property. Council member Hamilton asked why annex. Mr. Landers explained the State law and Industrial Districts. Council member Hamilton agreed with Mr. Tuminowski. Mr. Landers stated annexation provided a quality of life, it was good timing and it provided benefits. Donald Murray, 2830 W. I-20, was against annexation. He stated there was no plan for services and no communication on regulations from the City. He asked if the City was going to work with the owners as it moved forward. Mr. Landers stated that businesses in the Industrial Districts pay a fee in lieu of tax. Council member Bryant stated that those affected may not be educated. He stated that the City was not properly educating. Council member Graff wanted all affected businesses to be educated. Mr. Murray wanted to be excluded from the annexation. Council member Gonzales stated that the City would work and do the best for the City. Mr. Hamilton agreed with the citizens. He has not received information and needed sufficient time to review the information. Council member Bryant stated that the

annexation was not properly communicated. He stated that there were benefits for the whole area and all of Odessa. Council member Graff asked about the plan. Dick Sivals, 2200 E. 2<sup>nd</sup> St, was opposed to the annexation. He was in Industrial District 2. He has a heavy manufacturing company and the City would receive no benefits from the business. There would be no city sales tax and was under exemptions. He would not be able to follow the codes as it may shut down operations. Mr. Sivals stated that the company was inspected by other agencies for safety. Rhonda Caley, 6000 California, opposed annexation on 56<sup>th</sup> St. She stated that the county living offered a peace and a quality of life. She was concerned on the zoning on 56<sup>th</sup> St. Michael Ashton, #1 Hummingbird, asked when there would be water and sewer. The company would provide no sales tax. Mr. Sivals stated that the City letter did not address the benefits for annexation. Council member Gonzales asked that the concerns be addressed. Council member Bryant had concerns about owners not knowing if they were paying a fee, not knowing the benefits and no education. He stated owners must be educated. Council member Graff would like to see the plan. No one else came forward and the public hearing was closed.

### **RESOLUTION**

**Resolution No. 2018R-91 – Industrial District agreement with CAP Industries, LLC.** Mr. Landers stated that the agreement was to create an Industrial District through December 31, 2018. The owners requested to be annexed.

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

### **MISCELLANEOUS**

**Appointment of Boards: Odessa Housing Finance Corporation, Public Art Committee, and Animal Control Advisory Committee; Appointment of Officers: Board of Survey, Building Board of Appeals, Planning and Zoning Commission, and Zoning Board of Adjustment.** No action.

**Citizen's comments on non-agenda items.** No comments.

There was no other business, the meeting adjourned at 6:55 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Filiberto Gonzales  
Mayor Pro Tem