



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

JULY 23, 2019

On July 23, 2019, a regular meeting of the Odessa City Council was held at 6:00 p.m., 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; Detra White, District Three; Tom Sprawls, District Four; Mari Willis, District Five; and Peggy Dean, At-Large.

Others present: Michael Marrero, City Manager; Norma Aguilar-Grimaldo, City Secretary; Phillip Urrutia, Assistant City Manager; 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 Pastor Byron McWilliams, First Baptist Church, and followed by the Pledge of Allegiance and Texas flags.

CONSENT AGENDA ITEMS

- A. City Council minutes, July 9, 2019;
- B. City Council special City Council minutes, July 10, 2019;
- C. City Council special City Council minutes, July 11, 2019;
- D. City Council works session minutes, July 16, 2019;
- E. **Ordinance No. 2019-23 - Request by Lourdes Jasmin Molina, owner, for a specific use permit to allow an auto painting and body rebuilding shop use in a Light Commercial (LC) zoning district on Lot 4 and part of Lot 5, Block 3, Judkins Subdivision (3007 Andrews Hwy.);**
- F. **Ordinance No. 2019-24 - Request by City of Odessa and ONCOR Electric Delivery Company, owners, LCA, agent, for rezoning from General Residential (GR) and Neighborhood Services (NS) to Special Dwelling District (SPD) on Lot 1, Block 1, Blackshear Stadium Addition and an approx. 2 acre tract in Section 35, Block 42, T-2-S, T&P Ry. Co., Odessa, Ector County, Texas (on the northeast corner of Fitch Ave. and Avenida de Mexico);**
- G. **Resolution No. 2019R-52 – Annexation of 11098 W. 42nd St., 12613 W. Jenkins St., 856 N. Avenue D, and 860 N. Avenue D into the Ector County Utility District;**
- H. **Resolution No. 2019R-53 – City of Odessa’s 2019 Action Plan;**
- I. Bid award to Texas Consulting Services and Vanco Insulation for \$84,550 for removal of structures at 513 E. 8th St.;
- J. Purchase CALIBER T5 bomb robot for \$133,830 from ICOR Technology for the Odesa Police Department from donation funds;

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

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

OTHER COUNCIL ACTION

PUBLIC HEARING

Open a public hearing to consider approval of the request by PTCAA Texas, LP, owner, for annexation to the City of Odessa and original zoning of Light Industrial (LI) on Lot 1, Block 1, Flying J Addition (northwest corner of the intersection of Kermit Hwy. and W. Loop 338). Randy Brinlee, Director of Planning, reviewed the location of the property. The 7.1 acres would be annexed into the city limits and be zoned as light industrial. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

ORDINANCES

Amend the Odessa City Code Chapter 12 “Traffic and Vehicles” Articles 12-1 “General Provisions” and Article 12-2 “Operation of Vehicles” by adding references to Code authority for traffic regulation and a list of all currently signalized intersections in Odessa. Hal Feldman, Traffic Engineer, stated the amendment would provide the listing of each traffic signal location in the Code of Ordinances.

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

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

Amend the Odessa City Code Chapter 6 “Health and Sanitation”, Article 6-9 “Ambulances”, Section 6-9-31 “Fees” to raise ambulance rate charges. Mr. Urrutia reported that the last ambulance rate increase was in 2010. He reviewed the proposed level of service ambulance rates. The Lifeline cost was proposed at \$69. Nine cities were surveyed and the recommended rates were below the other cities rates.

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

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

Ordinance revision for the Sherwood community building rental fees. Steve Patton, Director of Parks & Recreation, stated that the Sherwood Community Center was renovated. He highlighted the renovations made to the building. He reported that there was an issue of the large buildings not being cleaned. He recommended that Sherwood Community Center have a \$300 rental rate that would cover the rental, operational cost and cleaning plus a \$150 damage deposit. The cleaning service would be contracted out. The hours for the rental was 11 a.m. to 11 p.m.

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

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

Amending the Odessa City Code Chapter 6, "Health and Sanitation", Article 6-5, "Accumulations, Weeds, Rubbish, Brush or Other Objectionable Matter: by amending Sections 6-5-5, 6-5-7, 6-5-8 and 6-5-9 and adding Section 6-5-10, to provide for payment on costs incurred. Merita Sandoval, Director of Community Development, recommended changes to expand that the responsibility of violations to include the owner and the occupants. She stated it would help to enforce the ordinances with rental property. The change to the notice of violation on the vacant lots would be that the property owners would be responsible for the cleaning and maintenance. She explained the process. The Street Department and Code Enforcement oversaw the vacant property mowing. Council member Hamilton stated that citizens have complained on deliberately being assessed a notice. Mrs. Sandoval explained that the weeds must be 12" or more. Council member Bryant commended the staff for recouping the cost. The vacant property included drill sites.

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

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

Amend the Odessa City Code of Ordinances, Chapter 3 "Building Regulations", Article 3-15 "Streets and Sidewalks", by amending Division 6 "Vegetation" and adding a new Division 7 "Network Nodes in Public Right-of-Way". Mr. Landers stated the new Federal regulations had a section for the city to regulate cell towers. The ordinance provided for a reasonable fee for the cell towers. Public Works has a Design Manual to provide information to citizens regarding the network notes.

Motion was made by Council member Sprawls and seconded by Council member Willis to approve the ordinance on first approval. The motion was approved by the following vote:

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

RESOLUTIONS

Resolution No. 2019R-54 – Support the 2020-2029 Unified Transportation Plan. Mr. Brinlee stated that the support would be for the 10-year Unified Transportation Plan by the Permian Basin MPO. It would also support the \$600 million for the next two years and continue the level of funding.

Motion was made by Council member White and seconded by Council member Dean to approve the resolution. The motion was approved by the following vote:

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

Resolution No. 2019R-55 – Odessa Development Corporation Section 501.103 Workforce Housing Infrastructure Incentive Program Guidelines. Tim Edgmon, ODC board member, acknowledged ODC board member Gene Collins present.

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

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

Resolution No. 2019R-56 and Resolution No. 2019R-57 – Funding agreements between the Odessa Development Corporation (ODC) and the Texas Department of Transportation (TXDOT) for improvements consisting of constructing a new interchange at the intersection of Yukon and Loop 338. Mr. Feldman stated that the construction was for the overpass at Yukon and Loop 338. The ODC earmarked funds to TxDOT. The two agreements was for ODC to contribute \$63,670 for the right-of-way acquisition and utilities. The second agreement would provide \$1,936,330 of ODC funds for any phase of the project. Construction would being February 2020. Mayor Turner stated the ODC funds provided for faster projects.

Motion was made by Council member Bryant and seconded by Council member Willis to approve the resolution. The motion was approved by the following vote:

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

Resolution No. 2019R-58 – Authorize the City Manager to submit applications to the Texas Department of Transportation for the Statewide 2019 Transportation Alternatives Set-Aside (TASA) and Safe Routes to School (SRTS) Project Call, and committing the City of Odessa to provide funds or in-kind support for any awarded project; providing a severability clause; and declaring an effective date. Mr. Feldman stated that TxDOT called for alternative transportation projects. The City submitted four applications. He reviewed the projects. If the projects were awarded, the City would provide upfront cost funds and be reimbursed at the completion of the projects. The total cost was \$1,587,900. He stated that UTPB would provide financial support with the project that involved UTPB.

Motion was made by Council member Hamilton and seconded by Council member Sprawls to approve the resolution. The motion was approved by the following vote:

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

Resolution No. 2019R-59 – Temporary alley closure on N. Texas Avenue between E. 4th and E. 5th Streets. Mr. Urrutia stated the alley closure would allow Oncor for electrical services to be provided. The business owners affected were notified. There would be parking options at the former Odessa American parking lot. Trash services would be moved to the street for the two-week period.

Motion was made by Council member Sprawls and seconded by Council member White to approve the resolution. The motion was approved by the following vote:

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

MISCELLANEOUS

Appointment of Boards: Board of Survey, Downtown Odessa, Parks and Recreation Advisory Board, Planning and Zoning Commission, Traffic Advisory Committee; Zoning Board of Adjustment, and Odessa Housing Finance Corp. Motion was made by Council member Dean and seconded by Council member Willis to reappoint Kathleen McCulloch reappointed to the Board of Survey.

The motion was approved by the following vote:

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

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

Recess for executive session to consider the evaluation of applicants for the position of City Attorney including the possible appointment of a new City Attorney, as authorized by the Texas Government Code, Section 551.074 (Personnel Matters). Motion was made by Council member Dean and seconded by Council member Willis to go into executive session under 551.074. The motion was approved by the following vote:

Aye: Turner, Hamilton, Bryant, White, Sprawls, Willis, and Dean
Nay: None

Upon returning from executive session, no action was taken.

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