



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

**AUGUST 13, 2019**

On August 13, 2019, 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: Mayor David R. Turner; Council members: Malcolm Hamilton, District One; Dewey Bryant, District Two; Detra White, District Three; Tom Sprawls, District Four; and Mari Willis, District Five.

Council member absent: 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 Lyndel Lee Sr., Tanglewood Baptist Church, and followed by the Pledge of Allegiance and Texas flags.

Mayor Turner expressed a proclamation of support for El Paso Strong along with other West Texas Cities for the tragic mass shooting in El Paso on August 3, 2019.

**CONSENT AGENDA ITEMS**

- A. Special City Council minutes, July 22, 2019;
- B. Special City Council minutes, July 23, 2019;
- C. City Council minutes, July 23, 2019;
- D. City Council Workshop, July 26, 2019;
- E. City Council Work Session minutes, August 6, 2019;
- F. **Ordinance No. 2019-25 - 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;**
- G. **Ordinance No. 2019-26 - Amend the Odessa City Code Chapter 6 "Health And Sanitation", Article 6-9 "Ambulances", Section 6-9-31 "Fees" to raise ambulance rate charges;**
- H. **Ordinance No. 2019-27 - 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";**
- I. **Ordinance No. 2019-28 - Ordinance revision for the Sherwood Community Building Rental Fees;**

- J. **Ordinance No. 2019-29 - Amend 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;**
- K. **Resolution 2019R-60 - Emergency Communication District of Ector County 2019-2020 budget of \$1,045,786;**
- L. **Resolution 2019R-61 - Authorize the City of Odessa Police Department to jointly with Ector County apply for and accept a grant in the total amount of \$91,770, amending the fiscal budget to appropriate awarded funds as additional grant revenue and authorizing the expenditure of awarded grant funds from the 2019 BJA Edward Byrne Memorial Justice Assistance Grant Program, as adjusted by an Ector County interlocal agreement with this grant request;**
- M. **Resolution 2019R-62 - Use electronic signature and accept a 2020 STEP Speed, Intersection Traffic Control, and Driving Under Influence Grant in the amount of \$25,717.27;**
- N. **Resolution 2019R-63 - Ector County interlocal agreement to authorize City of Odessa to join with Ector County in applying for and accept upon approval, and allocate each party their portion of the \$91,770.00, 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) funds;**
- O. Annual renewal of Motorola/Premier One Software for \$295,851;
- P. City of Odessa's participation in UTPB STEM Academy's Career and Technology Education Career Prep/Internship Practicum Program.

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

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

#### **OTHER COUNCIL ACTION**

**Resolution No. 2019R-64 – Rack Industries economic development contract for an incentive grant of \$2,757,294.** Wesley Burnett, Director of Economic Development, stated that ODC approved an incentive to Rack Industries for a local expansion. Rack would create 59 new jobs and retain 34 jobs. Rack would have an \$8 million capital investment. The Compliance Committee recommended the grant.

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

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

#### **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, stated that the annexation was voluntary. He reviewed the location of the property. The 7.1 acres would be annexed into the city limits and be zoned as light industrial. The land would be developed for a truck stop. 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 Sprawls to approve the ordinance on first approval. The motion was approved by the following vote:

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

**Open a public hearing to consider approval of the request of Collinwood Management Inc., owner, and John Gannon, Inc., agent, for original zoning of Light Industrial (LI) on Lot 25-27, Block 3, Industrial Sites (northeast of the intersection of SE Loop 338. and Trunk St.)** Mr. Brinlee reviewed the location. The purpose was to facilitate a commercial industrial use. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Sprawls 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, and Willis  
Nay: None

**Open a public hearing to consider approval of the request of DiDi Pavlicek, owner, and Keith Jankowski, optionee, for original zoning of Light Industrial (LI), Lot 1, Block 1, Fenton Addition (northeast of the W. Hwy. 80 Service Rd. and W. 2nd St. Intersection).** Mr. Brinlee reviewed the location. The zoning was for a kennel and dog training facility. The Planning and Zoning Commission recommended for approval. The protest was for the concern of the tank battery in the area being disturbed. Keith Jankowski was present. No one came else forward and the public hearing was closed.

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

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

**Open a public hearing to consider approval of the request by Leeco Energy and Investments, owner, LCA, agent, for original zoning of Special Dwelling District (SPD) on an approx. 64.46 acre tract in Section 2, Block 42, T-2-S, T&P Ry. Co. Survey, Odessa, Ector County, Texas (northeast of the intersection of Dawn Ave. and Boise Dr.)** Mr. Brinlee reviewed the location, which was vacant. The purpose was to develop 360 single-family residential lots. The Planning and Zoning Commission recommended for approval. The protest was concerned with possible uses for an electrical substation or accessory businesses, which was not proposed. No one came forward and the public hearing was closed.

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 the following vote:

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

**Open a public hearing to consider approval of the request by Odessa Housing Finance Corporation, owner, LCA, agent, for rezoning from Special Dwelling District (SPD) to Multi-Family-One (MF-1) on an approx. 7.14 acre tract in Section 38, Block 42, T-1-S, T&P Ry. Co. Survey, Odessa, Ector County, Texas (south of the intersection of Hunter Miler Way and 87th St.)** Mr. Brinlee reviewed the location. The purpose for the rezoning was to expand an affordable housing complex of 216 units. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

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, and Willis  
Nay: None

**Open a public hearing to consider approval of the request by Noelle Land & Minerals, owner, LCA, agent, for rezoning from Special Dwelling District (SPD) to Planned Development-Office (PD-O) on Lot 20, Block 11, Vista del Norte, 5th Filing (northeast of the intersection of Parks Legado Rd. and La Campana Dr.)** Mr. Brinlee reviewed the location, which was vacant. The purpose for the rezoning was for development of a medical office complex. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Bryant 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, and Willis  
Nay: None

**Open a public hearing to consider approval of the request of Alfonso & Ester Leal, owners, JARB Holdings, LLC, optionee, to rezone from Light Industrial (LI) to Single Family-Four (SF-4) on Lots 30-35, Block 1 and Lots 37-43, Block 2, Galindo Addition (northwest and southwest corner of the intersection of S. Crane Ave. and Martines Pl.)** Mr. Brinlee reviewed the location, which was vacant. The purpose for the rezoning was for a single-family development for 13 lots. The area was an infill use for affordable homes. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed. The setbacks would allow for rear entry driveway.

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

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

**Open a public hearing to consider approval of the request by JCF, Inc., owner, SW Howell, agent, for original zoning of Light Industrial (LI) on Lot 5, Block 1, Bridges Subdivision; Lots 1, 3 & 4, Block 16, West Interstate Industrial Sites 3-41; 16.33 acres**

**out of the southeast quarter of Section 32, Block 42, T-2-S; and 17.92 acres out of the north part of Section 41, Block 42, T-2-S, T&P Ry. Co. Survey, Odessa, Ector County, Texas (southwest of the intersection of Maurice Rd. and S. County Road West) Mr. Brinlee reviewed the location. The purpose was for expansion of uses. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.**

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, and Willis  
Nay: None

### ORDINANCES

**Codify the current Downtown Infrastructure and Façade Grant Guidelines used for ODC grants and amending the Odessa City Code Chapter 11 “Taxation and Finance” by adding a new Article 11-4 “Downtown Infrastructure and Façade Grants” to codify these policy guidelines and criteria, and adding reference to creation of new Design Review Board.** Robert Carroll, Assistant City Attorney, stated the Downtown façade and infrastructure grant guidelines and board would be codified.

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

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

**Ordinance No. 2019-30 - Authorize the issuance of City of Odessa, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2019 in an aggregate principal amount not to exceed \$81,000,000; levy a tax and providing for the payment there of; authorizing the execution and delivery of a purchase contract relating to said bonds; authorizing the execution and delivery of a paying agent/registrar agreement; authorizing the approval of an official statement; and enacting other provisions relating thereto.** Mrs. Muncy stated that the item would issue the Certificates of Obligation. Eric Mohalf, Hilltop Securities, reported that the certificates sold at \$81 million, which would produce \$93 million. There were four underwriters. The premium was \$12.7 million. The closing of funds would be on September 12 and the funds would be delivered. The interest cost was 2.629%. He reviewed the repayment schedule. In 2028, Council would have the option to refinance. The interest rate was at an all-time low.

Richard Pierce, 3744 Crestview, understood the needs of water, sewer, roads, fire, animal shelter and parks. He stated that the \$93 million should go to the voters for a vote. He thanked the Council for their time and effort. Elaine Gollaher, 8830 W. 26<sup>th</sup> St., agreed that the certificates should go to the people for a vote. She believed in the Council but there needed to be more openness and elections, especially for that large amount of funds. Mike Gardner, 513 St. Mary’s Circle, was concerned with the issuance of debt without the approval of voters. He wanted to see accountability on the projects and know how the funds were spent. Council member Willis talked and heard the citizens. She stated that the Council spent countless hours listening to facts and presentations to make the tough decisions and asked questions. The Council heard the city staff in its needs and who work hard to run the City. She supported staffs’ efforts and thanked them. The issue of the CO’s

were needs and many needs were in critical condition. The issues must be addressed to be fiscally responsible. Council member Bryant stated that the Council was blessed with the timing of the sale. Larry Robinson asked about the line items, ad valorem and debt per capita. He stated homeowners would pay higher taxes with the increase in valuation. He asked that the Council allow the people to vote.

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

Aye: Turner, Hamilton, Bryant, White, and Willis  
Nay: Sprawls

**Revision to a City Ordinance that adds a section addressing excessive absenteeism by the Citizens' Golf Advisory Committee members.** Steve Patton, Director of Parks and Recreation, stated that the revision would address the absenteeism issue. The board met six times a year. He recommended that with the fourth absence in a year, the board member would vacate the position. He stated it mirrored the requirements for the Parks Advisory Board.

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

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

**Amending the Odessa City Code Chapter 3 "Business Regulations", Article 3-4 "Electricity", Division 2 "Electrical Code", Section 3-4-32 "Amendments".** Mr. Brinlee stated that the amendment to the Electrical Code would allow a 3' clearance from the roofline as opposed to the current 10' clearance from residential homes.

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

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

## RESOLUTIONS

**Resolution No. 2019R-65 – Tax Increment Reinvestment Zone No. 1 ("TIRZ") bylaws, authorizing the City Manager to execute any documents necessary to implement this resolution, and declaring an effective date.** Mr. Urrutia stated that the TIRZ board approved and recommended the bylaws drafted by the Legal Department.

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

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

**Resolution No. 2019R-66 – Accept the recommendation of the Board of Directors for the Tax Increment Reinvestment Zone No. 1 of Toby Eoff as chairperson; authorizing**

**the City Manager to execute any necessary documents; and declaring an effective date.** Mr. Urrutia stated that the TIRZ board recommended Toby Eoff as Chair for the board.

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

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

**Resolution No. 2019R-67 – Appoint Council member Tom Sprawls to the Permian Basin Metropolitan Planning Organization.** Mayor Turner stated that Council member Sprawls expressed interest in serving on the MPO board. Mayor Turner stated Council member Sprawls would continue to move forward with the projects needed for our area.

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, and Willis  
Nay: None

**Resolution No. 2019R-68 – A proposal to establish a maximum tax rate of \$0.476601 for Fiscal year 2019-20.** Mrs. Muncy proposed a maximum tax rate of \$0.476601 per \$100 valuation for fiscal year 2019. The proposed rate was higher than the effective rate of \$0.394648, lower than the rollback tax rate of \$0.483886, and no change compared to last year's adopted tax rate of \$0.476601. Public hearings will be held on August 27, 2019 and September 10, 2019. The vote on the proposed tax rate will occur on September 23 and 24, 2019.

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

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

#### **MISCELLANEOUS**

**Appointment of Boards: 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 Hamilton and seconded by Council member Sprawls to reappoint Ludie Warner to the Zoning Board of Adjustment; Dow Kelly and Virgil Trower to the Odessa Housing Finance Corporation. The motion was approved by the following vote:

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

**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 Bryant 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, the following action was taken:

Motion was made by Council member White and seconded by Council member Sprawls to appoint Natasha Brooks as City Attorney. The motion was approved by the following vote:

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

Ms. Brooks thanked the Mayor and Council for the opportunity to serve as City Attorney. She was committed to the City of Odessa. She recognized the Legal staff. She looked forward to working with the Legal staff and all departments as a team. She recognized her family for support. She was ready to move forward.

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

There was no other business, the meeting adjourned at 7:34 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

David R. Turner  
Mayor