



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

**SEPTEMBER 24, 2019**

On September 24, 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>h</sup> St., Odessa, Texas.

City Council present: 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.

City Council absent: Mayor David R. Turner.

Others present: Michael Marrero, City Manager; Norma Aguilar-Grimaldo, City Secretary; Natasha Brooks, City Attorney; Phillip Urrutia, Assistant City Manager; Cindy Muncy, Interim Assistant City Manager; other members of City staff; and members of the news media.

A quorum being present, Mayor Pro Tem Bryant called the meeting to order and the following proceedings were held:

The invocation was given by Pastor Sean Smith, Asbury United Methodist Church, and followed by the Pledge of Allegiance and Texas flags.

Keep Odessa Beautiful thanked Katherine Wood for donating her time and talent in creating a mural at the Household Hazardous Waste Facility. Mayor Pro Tem Bryant thanked Ms. Wood. Keith Stretcher, Justice of the 11<sup>th</sup> Court of Appeals, was recognized in the audience. Justice Stretcher stated that the Council could not have made a better choice in a City Attorney as Natasha Brooks. She was fair, knows the law, and an excellent attorney.

**CONSENT AGENDA ITEMS**

- A. City Council minutes, September 10, 2019;
- B. City Council Workshop minutes, September 17, 2019;
- C. **Resolution 2019R-76 - Rollover of \$28,200 from the 2018-2019 hotel/motel tax grant award to the Convention and Visitors Bureau sports recruitment program to the 2019-2020 award;**
- D. Extend the Ector County Utility District (ECUD) water supply contract;
- E. Freese and Nichols, Inc. professional services agreement with to assist Odessa with the AWIA Risk and Resiliency Assessment and Emergency Response Plan Update as required by the American Infrastructure Act of 2018;
- F. Renew contract with Weaver and Tidwell, LLP, to provide auditing services for \$112,400;
- G. Contract award for the purchase of office supplies to Buffalo Business Products for \$154,000.

Motion was made by Council member Hamilton and seconded by Council member Sprawls to remove Item D. from the consent agenda items. The motion was approved by the following vote:

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

Motion was made by Council member Dean and seconded by Council member Sprawls to approve the consent agenda items A-C and E-G. The motion was approved by the following vote:

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

**Resolution No. 2019R-77 - Extend the Ector County Utility District (ECUD) water supply contract.** Tom Kerr, Director of Public Works/Utilities, stated that the current contract would expire on September 30, 2019. He requested to extend the contract for two months to allow ECUD to review the proposal. Bill Fowler, ECUD attorney, stated that there was a transition for ECUD to stand-alone. He discussed the water rate.

Motion was made by Council member Sprawls and seconded by Council member Willis to approve the resolution and extend the contract for two months at the current rate of \$8.07. The motion was approved by the following vote:

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

#### OTHER COUNCIL ACTION

**Downtown Odessa, Incorporated Board of Directors fifth amended bylaws.** Robert Carroll, Assistant City Attorney, highlighted the changes made to the bylaws. Changes included adding the five core purposes and reducing the members to nine. A standard of conduct was added to the bylaws.

Motion was made by Council member Dean and seconded by Council member Hamilton to approve the amended bylaws as recommended. The motion was approved by the following vote:

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

**Accept the check for \$449,888.01 by the Odessa Industrial Development Corporation (OIDC) to the Odessa Development Corporation (ODC) in satisfaction of the sale and transfer of the Penwell Site.** Mrs. Muncy stated that ODC purchased the land from OIDC in a 2010 incentive agreement for \$480,000. Summit filed for bankruptcy and the land was released to OIDC. The check to ODC was for the cost of the land minus the cost of legal fees and plugging the well.

Motion was made by Council member White and seconded by Council member Willis to accept the check of \$449,888.01. The motion was approved by the following vote:

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

**Accept the status report on all Industrial District agreements expiring on December 31, 2019 and December 31, 2020, and approving renewals of Industrial District agreements for a seven year renewal term and authorizing City Manager to sign all needed documents with the following current owners: GE Oil and Gas Compressions Systems, LLC, Mueller, Inc., Navasota Odessa Energy LLC, JTF Enterprises, LLC, Warren Equipment (formerly Verhasselt Family), Huckaby Industries, Inc., Elliot Partners, AZ Industrial Group, Permian Basin Materials, SWB, Dover Resources, RDB Commercial Properties.** Ms. Brooks explained that there were Industrial District agreements that were recommended for renewals. Four property owners agreed for renewals and eight owners were undecided but their terms were up in 2020. She requested authorization for legal to negotiate with the eight owners and the City Manager to sign the agreements. Any annexation was being made through Planning. Council members Bryant and Dean would like to know about the agreements as it comes up.

Motion was made by Council member Dean and seconded by Council member Hamilton to approve the four Industrial District agreements. The motion was approved by the following vote:

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

#### **PUBLIC HEARING**

**Open a public hearing to consider approval of the request by LOA Land Development, LLC, owner, and Maverick Engineering, agent, for original zoning of Single-Family-Four (SF-4) on an approximately 28.3 acre tract and original zoning of Single-Family-Four-Surface Drainage (SF-4-SD) on approximately 1.8 acre tract (approximately 30.2 acre total) in Section 15, Block 41, T-2-S, T&P Ry. Co. Survey, Midland County, Texas (east of the intersection of Mission Dr. and San Saba Dr.** Randy Brinlee, Director of Planning, reviewed the location. The purpose was for 160 single-family residential lots and provide a surface drainage area. A walking trail was being considered. The Planning and Zoning Commission recommended for approval. Mr. Urrutia contacted the protester explaining the issue.

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

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

#### **ORDINANCES**

**Amend the Odessa City Code Chapter 1 “General Provisions”, Article 1-7 “Boards, Commissions, and Committees”; Section 1-7-20 Relating to Downtown Odessa, Inc. Board of Directors.** Mr. Carroll stated that the ordinance amended the members to nine as reflected in the bylaws.

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: Hamilton, Bryant, White, Sprawls, Willis, and Dean

Nay: None

**Amend Chapter 4 “Business Regulations”, Article 4-10 “Taxicabs”, Section 4-10-40 “Operation Requirements” of the Code of Ordinances to change the requirement of operating at least five taxicabs each month to one each month.** Dan Jones, Senior Assistant City Attorney, stated that taxicab franchises were down due to Lift and Uber. The amendment would allow one taxicab per month as opposed to the current five. Reducing the number would help the taxicab franchises stay competitive. The other requirements remained unchanged.

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

Aye: Hamilton, Bryant, White, Sprawls, Willis, and Dean

Nay: None

**Ordinance No. 2019-43 - Levy the tax for the 2020 tax year.** Mrs. Muncy stated that this was to levy the tax for Fiscal Year 2020. The proposed tax rate was 47.6601 cents per \$100 property valuation. It was higher than the effective tax rate. Two public hearings were held and the tax increase was ratified. The homestead exemptions were in place.

Motion was made by Council member Willis that the property tax rate be increased, over the effective tax rate, by the adoption of a tax rate of 47.6601 cents, which is effectively a 20.77% increase in the tax rate. Council member Sprawls seconded the motion. The motion was approved by the following vote:

Aye: Bryant, White, Sprawls, Willis, and Dean

Nay: Hamilton

**Amend the Odessa City Code Chapter 12 “Traffic and Vehicles,” Article 12-3 “Parking, Stopping and Standing,” Division 1 “Generally,” Sec. 12-3-8 “Stopping, standing or parking prohibited in specified places,” and Sec. 12-3-15 “Parking in undeveloped lots.”** Motion was made by Council member Sprawls and seconded by Council member White to table this item. The motion was approved by the following vote:

Aye: Hamilton, Bryant, White, Sprawls, Willis, and Dean

Nay: None

**Remove from the table to amend Chapter 1 of the City of Odessa Code of Ordinances, Entitled “General Provisions”, Article 1-4 “City Council” by adding Division 3 “Code of Conduct”, sections 1-4-51 through 1-4-54, to update the City’s Ethics and Code of Conduct ordinance.** Motion was made by Council member Sprawls and seconded by Council member Dean to remove this item from the table. The motion was approved by the following vote:

Aye: Hamilton, Bryant, White, Sprawls, Willis, and Dean

Nay: None

Mayor Pro Tem Bryant stated that numerous discussions were held.

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

## RESOLUTIONS

**Resolution No. 2019R-78 – Odessa Development Corporation (ODC) and the Texas Department of Transportation (TXDOT) funding agreement for a highway improvements project at the intersection of IH20 and Faudree Road in Midland County, Texas.** Hal Feldman, Traffic Engineer, stated that funding agreement was with ODC and TxDOT for a future overpass at IH20 and Faudree. The amount was for \$2 million.

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

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

**Resolution No. 2019R-79 – Review and approve the City's investment policy and the approved Broker's/Dealers and Financial Institutions list.** Mrs. Muncy stated that the investment policy and the dealers and financial institution list was required to be renewed yearly. There was a change that clarified the review and oversight.

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

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

## MISCELLANEOUS

**Appointment of Boards: Downtown Odessa, Parks and Recreation Advisory Board, Traffic Advisory Committee; Zoning Board of Adjustment; and Emergency Communications 911 Board.** Motion was made by Council member Dean and seconded by Council member Hamilton to reappoint Mike Gerke to the Emergency Communications 911 Board. The motion was approved by the following vote:

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

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

There was no other business, the meeting adjourned at 6:35 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Dewey Bryant  
Mayor Pro Tem