



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

OCTOBER 22, 2019

On October 22, 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; Detra White, District Three; Tom Sprawls, District Four; Mari Willis, District Five; and Peggy Dean, At-Large.

City Council absent: Council member Dewey Bryant, District Two.

Others present: Michael Marrero, City Manager; Celia Senoret, Deputy 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 Turner called the meeting to order and the following proceedings were held:

The invocation was given by Pastor Jeff Cleere, Chapel Hill Baptist Church, and followed by the Pledge of Allegiance and Texas flags.

Mayor Turner presented the 7/20 Memorial Foundation Wreath.

CONSENT AGENDA ITEMS

- A. City Council minutes, October 8, 2019;
- B. City Council Work Session minutes, October 15, 2019;
- C. **Ordinance No. 2019-48 - Amending Chapter 6 "Health And Sanitation" Article 6-13 "Municipal Setting Designations" Section 6-13-13 "Municipal Setting Designation Sites in the City", subsection (b) of the Code of Ordinances by adding designation ETJ-MSD-04 and providing for the prohibition of the use of groundwater for potable and irrigation purposes in the areas designated herein;**
- D. **Ordinance No. 2019-49 - Request by Temple Baptist Church, owner, and Maverick Engineering, agent, for various original and rezone requests involving Special Dwelling District (SPD), Multi-Family-One (MF-1), Retail (R), Surface Drainage (SD), and Drill Reservation (DR), on an approximately 65 acre tract in Section 9, Block 41, T-2-S, T&P Ry. Co. Survey, City of Odessa, Ector County, Texas (northeast of the intersection of Texas Hwy. 191 and Billy Hext Road);**
- E. **Ordinance No. 2019-50 - Request by Kaige Properties, LLC, owner, SW Howell, agent, for original zoning of Light Industrial (LI) on an approximately 8.63 acre tract out of Section 40, Block 42, T-2-S, T&P Ry. Co. Survey, City of Odessa, Ector County, Texas**

- F. **(southwest of the intersection of Interstate 20 and Crane Ave.); Ordinance No. 2019-51 - Amend Chapter 4 "Business Regulations" Article 4-8 "Secondhand Goods" Division 2 "License" Section 4-8-41 "Required";**
- G. **Ordinance No. 2019-52 - Amend the Odessa City Code Chapter 1 "General Provisions" Article 1-1 "Code of Ordinances" Sec. 1-1-9 "General Penalty; Continuing Violations; Right of Entry; Enforcement Officers;" Chapter 3 "Building Regulations" Article 3-1 "General Provisions" Sec. 3-1-1 Building Permit Fees and Associated Fees," and Article 3-16 "Minimum Building Standards Code" Sec. 3-16-2 "Amendments;" Chapter 4 "Business Regulations" Article 4-5 "Sexually Oriented Businesses" Sec. 4-5-2 "Definitions," and Sec. 4-5-7 "Location," and 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.";**
- H. **Resolution 2019R-85 - Annex 1120 S. Moss into the Ector County Utility District;**
- I. Purchase a new Emergency Reporting System for \$162,796;
- J. Quorum Architects, Inc. professional services agreement. to provide architectural services for the Animal Shelter construction with the costs paid by the 2019 Certificates of Obligation for \$584,500;
- K. JSA Architects professional services agreement for the renovation of the Odessa Police Department Training & Academy Facility with the costs paid for by the 2019 Certificates of Obligation for \$229,000;
- L. Bid award for polymer which is used for sludge dewatering at the Bob Derrington Water Reclamation Plant to Polydyne, Inc. for \$40,894;
- M. Renew annual HTE Superior software support for \$134,409.

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

Aye: Turner, Hamilton, White, Sprawls, Willis and Dean
Nay None
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OTHER COUNCIL ACTION

Adopt the Transportation Master Plan. Hal Feldman, Traffic Operations Support, stated that this represents the work that Kimley-Horn & Associates has done on the transportation master plan. A request for qualifications was done on January 2018, they were the only submitter for the project. They were approved on May 2018 and Kimley-Horn and Associates made presentation on the findings in May and July 2019.

Motion was made by Council member Dean and seconded by Council member White to approve the adoption of the Transportation Master Plan. The motion was approved by the following vote:

Aye: Turner, Hamilton, White, Sprawls, Willis and Dean
Nay None
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Amending Section Number 6.104 "Drug and Alcohol Policy" for compliance with the U.S. Department of Transportation (DOT) drug and alcohol Clearinghouse regulations.

Dan Jones, Senior Assistant Attorney, stated that the Federal Government Department of Transportation was setting up a clearinghouse, which it meant that every CDL driver in the United States would have to be listed in the clearinghouse. As a municipality, the City was not exempt.

Motion was made by Council member Hamilton and seconded by Council member Sprawls to amend Section Number 6.104 "Drug and Alcohol Policy". The motion was approved by the following vote:

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

EWLW, LLC (Attorney Eben Warner) infrastructure grant in the amount of \$13,582.50.

Robert Carroll, Assistant City Attorney, stated the property was located at 712 N Texas. The infrastructure request was for the roof and HVAC. The total investment was for \$36,220.00.

Motion was made by Council member Hamilton and seconded by Council member Willis to approve the infrastructure grant. The motion was approved by the following vote:

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

Madrone Investments, Chaney Corporation, LCA, John Landgraff, Original Town Office Building, Inc. facade grant in the amount of \$25,000. Mr. Carroll stated that the request was for 521 N Texas for renovations and upgrades to the façade of the building.

Motion was made by Council member White and seconded by Council member Hamilton to approve the facade grant. The motion was approved by the following vote:

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

Consider Ambler Law facade grant in the amount of \$25,000. Mr. Carroll stated the property was located on 511 N Lincoln. The request qualified for tier one and the total investment was 54,600.00.

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

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

Ambler Law infrastructure grant in the amount of \$45,817.83. Mr. Carroll stated that Mrs. Ambler requested an infrastructure grant. Total investment was \$85,181.65 and qualified for tier one.

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

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

Economic Development Agreement between the Odessa Development Corporation and Downing Wellhead Equipment, LLC. Wesley Burnett, Economic Development, reported that Downing had facilities in Oklahoma, and in Midland. they want to consolidate their operations in West Texas in Odessa. They would create 55 new jobs, 53 retained jobs, total of 108 jobs; over \$7 million dollars on payroll. Mr. Burnett thanked Ms. Natasha Brooks and Mr. Robert Carroll in the Legal Department for the negotiation on the contract.

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

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

PUBLIC HEARING

Open a public hearing to consider approval of the request by 2012 Cross B, LLC, owner, LCA, agent, for original zoning of Special Dwelling District (SPD) on an approximately 23.5 acre tract in Section 45, Block 1, T-1-S, T&P Ry. Co. Survey, City of Odessa, Ector County, Texas (on the southeast corner of Kate Reed Dr. and Yukon Rd.) Randy Brinlee, Director of Planning, reviewed the location which was at the southeast corner of Kate Reed Dr. and Yukon Rd. The site was designated Future Development and vacant. The construction of a new educational facility in this neighborhood would help increase alternative transportation methods like walking or biking for students traveling to school and could help alleviate automobile traffic at this campus.

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, White, Sprawls, Willis and Dean
Nay: None

Open a public hearing to consider approval of the request by Redemption Church, owner, Tanner House, representative, to rezone from Two-Family-One (2F-1) to Planned Development-Retail (PD-R) on Lots 21-24, Block 1, Parker Heights Addition (at the southwest corner of Walnut Ave. and University Blvd.) Mr. Brinlee stated that the property was located at the southwest corner of Walnut Ave. and University Blvd. The site was zoned Two-Family-One and was occupied by a church building. The purpose of the rezone request was to facilitate the development or retail and related uses. The request would be an extension of the adjacent retail zoning located west of this site. While this property was located near retail development, the proposed use was more intensive than the existing church. The Planning and Zoning Commission recommended this request with conditions. Council member Hamilton asked what was the use for the property. Mr. Brinlee

responded that they would not see any intensive commercial type use such as a restaurant. Council member Dean asked if they spoke with the opposition. Mr. Brinlee had, and explained the conditions, traffic, and property value.

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

RESOLUTIONS

Resolution No. 2019R-86 – Accept a donation, \$5,000, from Atmos Energy Corporation to the Odessa Police Department and appropriating the funds from said donation. Mike Gerke, Chief of Police, reported a donation of \$5,000.00 was given by Atmos Energy to the Odessa Police Department. Two representatives from Atmos Energy were present to express their appreciation to the Police Department for the sacrifices to the community and citizens.

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

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

Resolution No. 2019R-87 - Accept a donation, \$11,541, from Windham & Associates to the Odessa Police Department and appropriating the funds from said donation. Chief Gerke reported a donation of \$11,541.00 from Windham & Associates to the Odessa Police Department. Windham & Associates' families were present to give the check.

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

Resolution No. 2019R-88 - City to continue receiving a share of bingo prize fees collected after January 1, 2020 as set forth in House Bill 914. Mrs. Muncy stated that this was to continue receiving a share of bingo prize fees collected. The Texas Lottery Commission would no longer collect these fees for the City of Odessa. They must submit this election by November 1, 2019 and notify all the bingo places that would continue collecting the money. Council member Dean confirmed that these fees were not an increase on the shares that had been collected was just a different process. Mrs. Muncy confirmed and the City will collect directly instead of the Texas Lottery Commission.

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

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

MISCELLANEOUS

Appointment of Boards: Downtown Odessa, Parks and Recreation Advisory Board, Traffic Advisory Committee; and Zoning Board of Adjustment. Motion was made by Council member Willis and seconded by Council member Hamilton to appoint David Orenday to the Parks and Recreation Advisory Board. The motion was approved by the following vote:

Aye: Turner, Hamilton, 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 6:28 p.m.

ATTEST:

APPROVED:

Celia Senoret
Deputy City Secretary

David R. Turner
Mayor