



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

AUGUST 27, 2019

On August 27, 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: Dewey Bryant, District Two; Detra White, District Three; Tom Sprawls, District Four; Mari Willis, District Five; and Peggy Dean, At-Large.

Council absent: Council member Malcolm Hamilton, District One.

Others present: Michael Marrero, City Manager; Norma Aguilar-Grimaldo, City Secretary; Phillip Urrutia, Assistant City Manager; Cindy Muncy, Interim Assistant City Manager; Natasha Brooks, 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 Todd Salzwedel, First United Methodist Church, and followed by the Pledge of Allegiance and Texas flags.

CONSENT AGENDA ITEMS

- A. City Council Special Work Session minutes, August 13, 2019;
- B. City Council Work Session minutes, August 20, 2019;
- C. **Ordinance No. 2019-31 - Request of Collinwood Management Inc., owner, and John Gannon, Inc., agent, for original zoning of Light Industrial (LI) on Lots 25-27, Block 3, Industrial Sites (northeast of the intersection of SE Loop 338 and Trunk St.);**
- D. **Ordinance No. 2019-32 - 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);**
- E. **Ordinance No. 2019-33 - 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.);**
- F. **Ordinance No. 2019-34 - 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.);**
- G. **Ordinance No. 2019-35 - 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.);
- H. **Ordinance No. 2019-36 - 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.);**
 - I. **Ordinance No. 2019-37 - 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);**
 - J. **Resolution No. 2019R-69 - Use of \$7,538,535 in additional General Fund Revenues to fund one-time supplemental budget requests for FY 2019;**
 - K. **Resolution No. 2019R-70 - Adopt a new Rate Review Mechanism 'RRM' with Atmos Energy;**
 - L. **Ordinance No. 2019-38 - 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.**

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

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

OTHER COUNCIL ACTION

PUBLIC HEARING

Ordinance No. 2019-39 - Open a public hearing to consider approval of the request of 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. The area would be for a truck stop. The 7.1 acres would be annexed into the city limits for light industrial. 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 Dean to approve the ordinance on second and final approval. The motion was approved by the following vote:

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

Nay: None

Open a public hearing to consider approval of the request of Betenbough Homes, owner, to rezone from Retail (R) to Special Dwelling District (SPD) approximately 19 ac. [two (2) tracts] and rezone from Special Dwelling District (SPD) to Retail (R) approximately 0.8 ac. tract in Section 35, Block 42, T-1-S, T&P Ry. Co. Survey, Ector County, Texas (along East Loop 338 between 87th St. and proposed 100th St.). Mr. Brinlee reviewed the location of the property, which was vacant. The purpose for the rezoning was to match zoning districts in the area and facilitate single family residential and retail. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed. He identified the tracts for rezoning.

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

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

Nay: None

Open a public hearing for Fiscal Year 2019-2020 Budget. Mrs. Muncy stated that Council reviewed the proposed budget at a workshop. The budget was filed with the City Secretary. The next public hearing was for September 10. The budget proposed \$245 million in revenues and \$235 million in expenditures. There was a solid waste rate increase due to increase operation and equipment costs. There was a 3% increase for salaries. The tax rate would generate \$32.7 million for the General Fund. Council member Dean stated that the property tax barely would cover the police budget. The taxes do not cover all of public safety. Clayton Smith, 3616 Springbrook Drive, stated that even with the influx of people from the oil field, it was difficult to pay property tax. The citizens work hard and understood the need of infrastructure and the increase in fire and police services. He asked that Council use time management and utilize the funds in others ways. No one else came forward and the public hearing was closed.

Open a public hearing on proposed tax rate and to consider levying the tax for the 2019 tax year. Mrs. Muncy stated the second public hearing was scheduled for September 10. The proposed tax rate of 47.6601 cents exceeds the effective tax rate and will increase the total property tax revenues by 22.7% over the preceding year. She reviewed the exemptions, which totaled over \$2 million. The vote for the tax rate was scheduled for September 23 and 24, 2019. For an average home, the owner would have an average increase of \$68.41 a year. Larry Robinson, 2219 E. 8th St., asked the Council to lower the tax rate. A flat tax rate was an increase in taxes. He stated that the flat tax rate created a burden on taxpayers. No one came forward and the public hearing was closed.

ORDINANCES

Solid waste rate change. Mrs. Muncy stated that the increase for the solid waste rate change was for cost maintenance. The solid waste rate increase was 2.5% for residential and commercial customers. The rate would be effective October 1. The increase would generate over \$350,000. Mr. Urrutia reported that the Solid Waste Fund was an enterprise fund. The last increase was three years ago for the commercial customers. He reported that there was a 37% increase in maintenance and the work was outsourced due to a shortage in staff. Larry Robinson, 2219 E. 8th St., stated the increase was unfair to businesses and residents. He stated that the fee for commercial users would be passed on to the customers. He asked about the revenue received by Republic. Mr. Urrutia stated that

there was only a license fee per truck paid by Republic. The residential customer would have a \$0.50 per month increase and the commercial customer would have a \$2.58 per month increase.

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

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

Tabled - 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. Ms. Brooks stated that the ordinance would set the ethics guidelines.

Motion was made by Council member Willis and seconded by Council member White to table this item. The motion was approved by the following vote:

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

Ordinance No 2019-47 - Revision to a City Ordinance that adds a section addressing excessive absenteeism by the Citizens' Golf Advisory Committee members only or substitute an ordinance amendment that will apply uniform attendance requirements to all City boards in City Code Chapter 1, Article 1-7. Steve Patton, Director of Parks and Recreation, stated it would provide an absenteeism policy for the Golf Advisory Committee. If a member would miss three absences in a year, the member would no longer serve on the committee. The committee only met six times a year.

Motion was made by Council member Bryant and seconded by Council member Sprawls to amend the ordinance on second and final approval to add an attendance requirement for all city boards that have regularly scheduled annual meetings to attend one half of those regular scheduled meetings, rather than just the Citizens Golf Advisory Committee. The motion was approved by the following vote:

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

RESOLUTIONS

Resolution No. 2019R-71 – Declare the number of inhabitants of the City of Odessa, which have increased since the last census. Mr. Brinlee stated that it was over nine years since the last official U. S. Census, and the results of the census would be two years before the results. Inhabitant growth and continued development was occurring in Odessa since the most recent census. Local government entities as well as developers typically rely on updates to the last official census by the federal government, which was 120,568. Also from the Texas State Demographer, which was 119,984 to determine what the current number of inhabitants within the city limits of Odessa. The Planning Department referred to current City building and permits, which was 124,751. He requested Council to approve the census to 121,768, the average.

Motion was made by Council member Sprawls and seconded by Council member Willis to

approve the resolution. The motion was approved by the following vote:

Aye: Turner, Bryant, White, Sprawls, Willis, and Dean
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 Development Corporation. No action.

Citizen's comments on non-agenda items. The Council recognized the Permian High School students in attendance.

Recess for Executive Session: As authorized by the Texas Government Code, Section 551.071 (Consultation with Attorney), the City Council may adjourn into executive session to consider pending or contemplated litigation. Motion was made by Council member White and seconded by Council member Sprawls to go into executive session under 551.071. The motion was approved by the following vote:

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

Reconvene in Open Session for possible action.

Motion was made by Council member White and seconded by Council member Dean to return from executive session. The motion was approved by the following vote:

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

There was no other business, the meeting adjourned at 7:08 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

David R. Turner
Mayor