



**CITY COUNCIL MINUTES  
CITY OF ODESSA, TEXAS  
OCTOBER 27, 2009**

On October 27, 2009, a regular meeting of the Odessa City Council was held at 6:00 p.m., in the Council Chambers, 5th Floor, City Hall, 411 West 8th Street, Odessa, Texas.

Members present: Mayor Larry L. Melton; Councilmembers; Bill Cleaver, District One; James B. Goates, District Two; Royce Bodiford, District Three; Dean Combs, District Four; and Benjamin Velasquez, District Five.

Others present: Richard Morton, City Manager; Larry Long, City Attorney; Norma Grimaldo, City Secretary; James Zentner, Assistant City Manager; Michael Marrero, Assistant City Manager; other members of City staff; and members of the news media.

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

The invocation was given by Mayor Melton and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Pro Tem Cleaver presented a proclamation for Municipal Court Week. Mayor Melton thanked the Municipal Court staff for their hard work.

**CONSENT AGENDA ITEMS**

- A. City Council Minutes, October 13, 2009;
- B. **Resolution No. 2009R-103 - Authorize the City of Odessa Police Department to accept a sub-grant from the Texas Division of Emergency Management State Homeland Security Grant Program;**
- C. **Ordinance No. 2009-39 – Request of Devi Investments, Inc., owner, to rezone from Retail-One (R-1) to Planned Development-Retail-One (PD-R-1) Lots 2 and 3, Block 1, Brownstone Addition, 3rd Filing (southeast of the intersection of Hwy. 191 and Faudree Rd.);**
- D. **Ordinance No. 2009-40 – Request of DJK, Inc., owner, EXL Petroleum, LP, leasee, for original zoning of Future Development-Drill Reservation (FD-DR) on approximately 4.1 ac. of land in Sections 2 and 12, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (north of Old Bankhead Hwy. and east of OCC Links Course);**
- E. **Resolution No. 2009R-104 – Sale of tax delinquent property located at 809 W. 20<sup>th</sup> Street;**
- F. **Resolution No. 2009R-105 – Sale of tax delinquent property located at 910 Hudson Avenue;**
- G. **Ordinance No. 2009-41 – Renew limousine franchise of Frank Nastase, d/b/a Basin Limousine;**

- H. **Resolution No. 2009R-106 - Purchase from Arnett Marketing seasonal lighted displays in the amount of \$181,902.72;**
- I. Expenditure for annual HTE software maintenance;
- J. Verizon contract for cellular service;
- K. Renew United Fuel & Energy contract for automated fueling services;
- L. Renew Galls contract for the purchase of Police Department uniforms;
- M. Renew SunGard iWorks contract for benefits claims administration software maintenance;
- N. **Resolution No. 2009R-107 – Appropriate funding from the Equipment Services Fund and purchase digital in-car video cameras;**
- O. **Resolution No. 2009R-108 - Accept and appropriate funding for an Energy Efficiency and Conservation Block Grant from the Department of Energy in the amount of \$915,100.**

Motion was made by Councilmember Bodiford and seconded by Councilmember Combs that the consent agenda items be approved. The motion was approved by unanimous vote.

#### OTHER COUNCIL ACTION

#### ORDINANCES

**Amend Article 8-1 of the City Code, entitled “General Provision”, by adding section 8-1-25 entitled “Solicitation by Intimidation”.** Mr. Long received complaints from citizens on being approached for money or sale of goods. The ordinance would prohibit force or intimidation to extort money or to sell goods. This would benefit the citizens.

Motion was made by Councilmember Cleaver and seconded by Councilmember Velasquez that the ordinance be approved for first approval. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Benjamin Velasquez	Aye

**Implement a player rate/fee structure at Ratliff Ranch Golf Links.** Steve Patton, Director of Parks and Recreation, stated that the Golf Advisory Committee recommended an increase in weekday, twilight, and weekend rates, senior and junior rates. He reviewed each proposed increase. The annual rates and cart fees would remain the same.

Motion was made by Councilmember Cleaver and seconded by Councilmember Goates that the ordinance be approved for first approval. The motion was approved by the following vote:



Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Benjamin Velasquez	Aye

**Establish new rental rates/fees for certain park facilities/equipment.** Mr. Patton reviewed the proposed new rates and fees for the community buildings, tents and bleachers. The rates and fees were compared to the pick six cities.

Motion was made by Councilmember Goates and seconded by Councilmember Combs that the ordinance be approved for first approval. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Benjamin Velasquez	Aye

## RESOLUTIONS

**Resolution No. 2009R-109 – Bid award for the Sherwood Park Renovations project.** Ajay Shakyaver, City Engineer, stated that four bids were submitted. He recommended that the award be made to Onyx Contractors Inc. in the amount of \$4,437,000. The project will take 278 working days to complete. Councilmember Goates stated that the process worked well.

Motion was made by Councilmember Combs and seconded by Councilmember Velasquez that the resolution be approved. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Benjamin Velasquez	Aye

**Appointment of Boards. Community Development Advisory Committee, Cable Franchise Committee; Appointment of Officers. (551.074) Zoning Board of Adjustment, Board of Survey, Building Board of Appeals, Odessa Housing Authority, and Permian Basin MH/MR Board of Trustees.** Motion was made by Councilmember Bodiford and seconded by Councilmember Goates that the following appointments be made:

Garland Reid reappointed to the Board of Survey  
John Landgraf appointed to the Permian Basin MH/MR Board of Trustees  
Rita Barrientes reappointed to the Odessa Housing Authority  
Larry Johnson appointed to the Building Board of Appeals  
John Shefchik appointed to the Building Board of Appeals  
Roy Hunton appointed to the Building Board of Appeals  
David Barton appointed to the Building Board of Appeals



Troy Walker appointed to the Building Board of Appeals  
Greg Eddings appointed to the Building Board of Appeals  
Rick Cates appointed as alternate to the Building Board of Appeals  
Jerry Morales appointed as alternate to the Building Board of Appeals

The motion was approved by unanimous vote.

**Resolution No. 2009R-110 – Consider a Chapter 380 Agreement with Odessa Chimney Rock Partners, L.P. for the development of property located at the intersection of Highway 191 and Loop 338.** Mayor Melton stated that the Council would go into executive session under 551.087.

Upon returning from executive session, motion was made by Councilmember Velasquez and seconded by Councilmember Cleaver that the resolution be approved with \$4.48 million. Motion was made Councilmember Goates and seconded by Councilmember Bodiford to amend the motion with a \$5.1 million cap. The amended motion passed by a 3-2 vote with Councilmembers Velasquez and Cleaver casting the nay votes. The motion with the \$5.1 million was approved by the following vote:

Bill Cleaver	Nay
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye
Benjamin Velasquez	Nay

#### **MISCELLANEOUS**

**Citizen comments on non-agenda items.** No one came forward.

There was no other business, the meeting adjourned at 6:43 p.m.

ATTEST:

APPROVED:

Norma A. Grimaldo  
City Secretary

Larry L. Melton  
Mayor