



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
AUGUST 11, 2009**

On August 11, 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 A. 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 Rev. Santiago Udayar, St. Mary's Catholic Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Pro Tem Bodiford presented a proclamation to Avis Lube #103 for Odessa Pride Star Month.

CONSENT AGENDA ITEMS

- A. City Council Minutes, July 28, 2009;
- B. **Resolution No. 2009R-64 – Police Department to accept a grant award from the JBA Edward Byrne Memorial Justice Assistance Grant (JAG) Program;**
- C. **Resolution No. 2009R-65 – Texas Department of Public Safety agreement for the provision of intoxilyzer supplies to the Police Department;**
- D. **Ordinance No. 2009-24 – Amend Section 12-101, 12-102 and 12-103 relating to Billboard Signs and establishing standards and regulations relevant to Electronic Billboard Signs;**
- E. **Resolution No. 2009R-66 – Grant applications with the Permian Basin Regional Planning Commission (PBRPC) for Regional Solid Waste Grants;**
- F. **Resolution No. 2009R-67 – Review and approve the City's Investment Policy; the Approved Brokers/Dealers & Financial Institutions' List; and also grant continued authorization for the use of three investment pools.**

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

OTHER COUNCIL ACTION

PUBLIC HEARINGS

Open a public hearing to consider water and wastewater rates. Mr. Zentner proposed a 3% increase in water and wastewater rates with the exception to the senior and disability customers. Increases in rates were due to maintenance and operations increase and a 5% increase in raw water purchase. He reviewed the different levels of dollar amounts for customers. The rates would go into effect September 1 and will be issued on the October billing. Mayor Melton stated that Colorado River Municipal Water District increased its rate by 5% and the City was absorbing 2% of the fee. No one came forward and the public hearing was closed.

Motion was made by Councilmember Bodiford 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

Open a public hearing to consider solid waste rates. Mr. Zentner proposed a 6% increase in Solid Waste rates due to fuel, maintenance, replacement of trucks and tipping fees. He reviewed the different levels of dollar amounts for customers. The rates would go into effect September 1 and will be issued on the October billing. Councilmember Velasquez stated that fuel cost less this year than last year. Mr. Zentner reported that there was no rate increase last year and the cost was still higher than originally projected. No one came forward and the public hearing was closed.

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	Nay

Open a public hearing to amend Chapter 13 Utilities by adding a storm water discharge fee. Mr. Zentner stated that the City had to meet federal mandate requirements on storm water. He proposed a \$1.85 per month increase for storm water fee for each user. The funds would generate \$650,000 to meet the regulations. Two new positions would be created and the street sweeper would be included. The rates would go into effect September 1 and will be issued on the October billing. Councilmember Cleaver asked if it could increase next year. Mr. Zentner anticipated that it could increase over time. Councilmember Cleaver stated that this is a total cost of \$3.88 more in water plus the sewer rate. Councilmember Goates stated that the City did not raise the ad valorem and the fee would be paid by every customer. Mr. Zentner stated that \$481,000 from the street sweeping would be transferred from the General Fund. Matt Squyres, Director of Public Works, reported that the permit was implemented on February 11, 2008 and this is the second year of the program. Only partial implementation was reported and the fee would complete the other activities required by the mandate. Councilmember Velasquez asked if the funds could be phased in over a few years. Mr. Squyres stated all the funds were needed for compliance. He reported that other cities were implementing a small fee



and incorporating the cost into their capital improvement. No one came forward and the public hearing was closed.

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

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

ORDINANCES

Adopting an amended version of the 2006 International Building Code and subsequent supplements; Adopting an amended version of the 2006 International Fuel Gas Code and subsequent supplements; Adopting an amended version of the 2006 International Mechanical Code and subsequent supplements; Adopting an amended version of the 2006 International Plumbing Code and subsequent supplements; Adopting an amended version of the 2006 International Residential Code for One and Two Family Dwellings and subsequent supplements; Adopting an amended version of the 2008 National Electrical Code and subsequent supplements.

Ralph McCain, Building Official, stated that the codes would be brought up-to-date for construction use. The ordinance provides for consolidating the four different boards into one, Building Board of Appeals. Mayor Melton thanked Mr. McCain for the good work.

Motion was made by Councilmember Velasquez and seconded by Councilmember Combs that the ordinances 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

Atmos West Texas Corp rate increase. Mr. Morton stated that Atmos filed a gas rate increase of \$15.4 million. The Steering Committee, including Odessa, negotiated a rate of \$12.3 million or 20% reduction. The average user would see an increase of \$4.06 per month.

Motion was made by Councilmember Combs and seconded by Councilmember Bodiford that the ordinance be approved on 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-68 – Proposal to establish a tax rate of \$0.522750 for fiscal year 2009-10. Mr. Zentner proposed that the tax rate be \$0.522750 per \$100 valuation. This is a 3.954 cent reduction over last year's tax rate of \$0.56229, and is below the effective tax rate. He reported that this is the sixth year that the tax rate was reduced and lowered by 24% over six years. No public hearing is required if it is less than the effective rate. The final vote on the proposed tax rate will occur on September 8, 2009. Mayor Melton complimented the staff and Council for lowering the tax rate and maintaining the fund balance.

Motion was made by Councilmember Goates and seconded by Councilmember Cleaver 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

MISCELLANEOUS

Appointment of Boards. Community Development Advisory Board, Traffic Advisory Committee, Cable Franchise Committee, Odessa Housing Finance Corp. Appointment of Officers. (551.074) Plumbing Advisory Board, Mechanical Board of Appeals, Board of Survey, and Zoning Board of Adjustment. Motion was made by Councilmember Combs and seconded by Councilmember Cleaver that the following be reappointed:

Alfred Harris reappointed to the Cable Franchise Committee;
Brad Howell, Lisa Estes, and Dewey Bryant reappointed to the Odessa Housing Finance Corporation;
Jim Cox reappointed as alternate to the Board of Survey.

The motion was approved by unanimous vote.

Citizen comments on non-agenda items. Art Leal, 1206 Alameda, invited the Council to participate as leaders in the Odessa Civic Engagement Project. He stated that citizens were invited to participate in learning of all the aspects of the community including County and City. There was no other business, the meeting adjourned at 6:27 p.m.

ATTEST:

Norma A. Grimaldo
City Secretary

APPROVED:

Larry L. Melton
Mayor