



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
MARCH 9, 2010**

On March 9, 2010, 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 Rev. Alisa Demetro, Cleansing Stream Foursquare Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

Councilmember Bodiford presented proclamations for DVT Awareness Month, National Nutrition Month, and Registered Dietitian Day. A Teddy Bear Patrol presentation was made to the Council.

CONSENT AGENDA ITEMS

- A. City Council Minutes, February 23, 2010;
- B. **Ordinance No. 2010-08 - Request of DJK, Inc., owner, EXL Petroleum, LP, leasee, for original zoning of Future Development-Drill Reservation (FD-DR) on approximately 2.1 ac. of land in Section 14, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (northeast of the intersection of San Gabriel Rd. and Old Bankhead Hwy.).**

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

OTHER COUNCIL ACTION

BID AWARDS

Bid award for the 2010 sealcoat program. Ajay Shakyaver, City Engineer, stated that three bids were submitted. He recommended that Ronald R. Wagner and Co. L.P. be awarded the bid for \$1,043,656. Councilmember Goates asked if the problem was corrected. Mr. Shakyaver stated that the issue was sealcoat was placed then there was a heavy rainstorm, the sealcoat peeled off and stuck to tires. A different supplier will be used and the contractor will be more vigilant on the weather conditions. Matt Squyres, Director of Public Works, reported that the contractor did pick up the claims and costs. Mr. Morton stated that it was not contractor error. Councilmember Velasquez was concerned with the contractor's problems. He was not satisfied with the repairs. He asked if the next lowest bidder could be awarded the bid.



Motion was made by Councilmember Velasquez and seconded by Councilmember Cleaver to table the issue to review opinions and find a reason why the problems happened. The motion failed with a 2-3 vote. Councilmembers Goates, Combs and Bodiford casted the nay votes.

Motion was made by Councilmember Goates and seconded by Councilmember Bodiford that the bid award be approved. Councilmember Goates does not want to get behind in the sealcoat. Mr. Squyres stated that there is a risk of losing the material and there would be a compressed time frame to do the sealcoat if the bid was not awarded. He stated it was an isolated incident. Councilmember Bodiford recalled that it was a pop-up thunderstorm and it poured rain, it was unusual weather. Councilmember Cleaver stated it was like a layer of dirt that was not prepared correctly. Mr. Squyres stated it will not be duplicated and the materials are well used in West Texas. Mr. Long stated that in order to deny the lowest responsible builder it must be proven that the contractor could not do the job and be able to identify the deficiency. The incident that took place is not tied to the company because the problem was not identified; therefore, the next offer could not be awarded. Mr. Morton stated that Council could reject all bids. It would setback the project about four to five weeks. Councilmember Goates stated that there is a danger that the prices will go up if rejected. The company has worked for the city in the past. He called the question. The motion was approved by 3-2 vote with Councilmembers Cleaver and Velasquez casted nay votes.

PUBLIC HEARINGS

Open a public hearing to consider approval of the request of Holy Redeemer Catholic Church, owner, for original zoning of Single Family-Three (SF-3), Lots 1 and 2, Block 1, Holy Redeemer Addition (southwest corner of the intersection of W. University Blvd. and Conover Ave.). Marwan Khoury, Director of Planning, reviewed the location of the property. The zoning would allow flexibility on the setbacks. The owner was constructing a Sunday school building. The Planning and Zoning unanimously recommended for approval. There is ample parking and it fulfills the requirements. No one came forward and the public hearing was closed.

Motion was made by Councilmember Cleaver and seconded by Councilmember Velasquez 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

Open a public hearing to consider approval of the request of DJK, Inc., owner, Patriot Resources, Inc., leasee, for original zoning of Future Development-Drill Reservation (FD-DR) on approximately 2.1 ac. tract in Section 3, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (northeast of the intersection of Dorado Dr. and San Antonio St.). Mr. Khoury reviewed the location of the property. The zoning would allow facilitating oil and gas drilling. The Planning and Zoning Commission recommend for approved. No one came forward and the public hearing was closed.

Motion was made by Councilmember Cleaver and seconded by Councilmember Combs 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

ORDINANCES

Change of fees for ambulance services furnished by the city. Fire Chief Roger Boyd stated that the change of fees is for transports in the ambulance. The rates would increase \$120 in each category and there would be one new category. He reviewed each of the categories. A survey with cities was done on rates. Supplies are included in the fees.

Motion was made by Councilmember Combs and seconded by Councilmember Velasquez 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

MISCELLANEOUS

Appointment of Boards: Cable Franchise Committee, Citizens Golf Advisory Committee and Odessa Enterprise Zone Committee. Motion was made by Councilmember Goates and seconded by Councilmember Combs that the following be appointed:

David Boutin reappointed to the Citizens Golf Advisory Committee
Fred Crawford reappointed to the Citizens Golf Advisory Committee
Bob Carlson reappointed to the Citizens Golf Advisory Committee
Willie Taylor be reappointed to the Odessa Enterprise Zone Committee
Bill Cleaver be reappointed to the Odessa Enterprise Zone Committee.

The motion was approved by unanimous vote. There was no other business, the meeting adjourned at 6:42 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo
City Secretary

Larry L. Melton
Mayor