



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

MAY 10, 2016

On May 10, 2016, 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.

Council members present: Mayor David R. Turner; Council members Amye McNeil, District One; Dewey Bryant, District Two; Barbara Graff, District Three; Michael Gardner, District Four; and Filiberto Gonzales, District Five.

Others present: Richard Morton, City Manager; Larry Long, City Attorney; Norma Aguilar-Grimaldo, City Secretary; Michael Marrero, Deputy City Manager; Konrad Hildebrandt, 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 Samuel L. Buhl Sr., St. James Baptist Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Turner presented a proclamation for Fibromyalgia Awareness. Mayor Turner recognized Bailey Tate, Miss Midland Odessa, who will compete in the Miss Texas pageant.

CONSENT AGENDA ITEMS

- A. City Council minutes, April 26, 2016;
- B. **Ordinance No. 2016-13 – Request by Self Storage Solutions to rezone from Retail (R) to Planned Development-Light Commercial (PD-LC) on an approximately 7 acre tract, Lots 1-2, Block 1, Parrott Addition (south of the intersection of East Ridge Rd. and Billy Hext Rd.);**
- C. Award bank depository agreement to BBVA Compass;
- D. Extension of electric supply contract with Gexa;
- E. Award contract for half bridge clarifier construction to Fab Tech in the amount of \$189,500;
- F. **Ordinance No. 2016-14 – Franchise to operate a limousine service by Desert Luxury Transportation, LLC;**
- G. **Resolution No. 2016R-43 – Amend the Equipment Services Budget by transferring \$4,268,438 from Fund Balance into Capital Outlay Automotive Equipment for the purchase of the Fire truck fleet.**

Motion was made by Council member Graff and seconded by Council member Gonzales that Item D be removed from the consent agenda. The motion was approved by unanimous vote.

Motion was made by Council member Graff and seconded by Council member Gonzales that the consent agenda items be approved without Item D. The motion was approved by unanimous vote.

Resolution No. 2016R-44 – Extension of electric supply contract with Gexa. Mr. Hildebrandt stated that the item would be to extend the contract for two years. TCAP was a coalition of cities and entities that get power prices at the best price. The cost for electric supply would be for .3979 cents. Council member Graff recommended that the electric should go out to bid for the opportunity of other groups to submit a bid. Mr. Hildebrandt stated that TCAP solicits bids and use the buying power of all the members to get the best price. Council member Bryant stated that Valley View was a third party consulting group that was used for the bank contract. He stated that was the consultant's role was to get bids. Mayor Turner stated that this was market driven and the price may not be held. If bid packets were submitted it would just be for Odessa.

Lacy Sperry, TXU, stated that TCAP was a sole source model and was not actively looking at the market. They were not going to other electric providers to get the best pricing. She stated that TXU shops and offers competitive rates, offers community support through energy efficiency programs, and was invested in the community. The cost of the electricity depends on the length of the contract. The market was under four cents. Mr. Morton stated that the City of Midland signed a contract at over four cents. Ms. Sperry stated that the contract was for ten years. If the contract term was short; it may be at a less cost.

Motion was made by Council member Bryant and seconded by Council member Gardner to approve the resolution. The motion was approved by 4-1 vote with Council member Graff casting the nay vote.

OTHER COUNCIL ACTION

BID AWARD

Bid award for the 24" water line extension from Dawn Ave. to E. 52nd St. Yervand Hmayakyan, City Engineer, stated that the project would install 11,000 feet of water line that would improve the water quality. He recommended the award be given to J & H Services in the amount of \$1,999,772.67.

Motion was made by Council member Gardner and seconded by Council member Bryant to approve the bid award as recommended. The motion was approved by unanimous vote.

ORDINANCE

Amend Article 6-6, entitled "Food Establishments," of Chapter 6 of the City Code of Ordinances, entitled "Health and Sanitation". Mr. Long stated that discussion was held with the food entities and the concerns were addressed to serve the citizens of Odessa. Vanessa Ramirez, Assistant City Attorney, highlighted the ordinance amendments.

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

Amend Chapter 4 of the City Code of Ordinances by adopting Article 4-19, entitled "Transportation Network Companies". Mr. Long stated that the transportation network includes Uber and any other independent companies. Natasha Brooks, Senior Assistant City Attorney, highlighted the ordinance. She stated that personal vehicles would be used and the fare charges would be disclosed before the client enters into the vehicle through an IPAD or iPhone. The transactions would be made through an app and there was no cash or

tipping. There would be an annual fee of \$1,500. There would be background checks by the company on the drivers. The background checks were more extensive through the company than the national checks. Council member Bryant expressed appreciation on the research and work. Mr. Long stated that the fee was based on Council's feedback.

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

RESOLUTION

Resolution 2016R-45 – ROW acquisition and utility adjustment for FM 3503. Hal Feldman, Traffic Engineer, stated that this agreement would cancel the existing TxDOT contract and create a new agreement. The new agreement would have 90% TxDOT's responsibility for the right-of-way and utility adjustments and the City would only have 10% responsibility which the financial responsibility has been completed on previous contributions.

Motion was made by Council member Graff and seconded by Council member Gardner to approve the resolution. The motion was approved by unanimous vote.

Resolution 2016R-46 – Abandonment of a 15 foot General Utility Easement located in Lot 1, Block 11, Vista Del Norte, 3rd Filing, Odessa, Texas. Thomas Kerr, Director of Public Works/Utilities, stated that the abandonment of the easement would provide for better use of the property at Vista Del Norte.

Motion was made by Council member Bryant and seconded by Council member Gardner to approve the resolution. The motion was approved by unanimous vote.

MISCELLANEOUS

Appointment of Boards: Animal Shelter Advisory Committee, Appointment of Officers Colorado River Municipal Water District and Housing Authority of Odessa. Motion was made by Council member Bryant and seconded by Council member McNeil to reappoint Phil George and Rita Barrientes to the Housing Authority of Odessa. The motion was approved by unanimous vote.

Citizen's comments on non-agenda items. George Rice, provided comments. Mr. Morton read George Rice's comments. He didn't like the \$80 million that was spent. He stated that the Council works for the people. He was running for Mayor under the power of "We the People".

Consider acquisition of property in downtown area for economic revitalization. (551.072) Motion was made by Council member Bryant and seconded by Council member Gardner to go into executive session under 551.072. The motion was approved by unanimous vote.

Upon returning from executive session. Motion was made by Council member Gonzales and seconded by Council member Gardner to come out of executive session. The motion was approved by unanimous vote.

Mayor Turner stated no action was taken in executive session. There was no other business, the meeting adjourned at 7:11 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

David R. Turner
Mayor