

**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
OCTOBER 25, 2011**

On October 25, 2011, 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; Barbara Graff, District Three; Dean Combs, District Four; and Sandra Carrasco, District Five.

Others present: Richard Morton, City Manager; Larry Long, City Attorney; Norma Aguilar-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 Melton recognized Midland Mayor Wes Perry and City Manager Courtney Sharp, who were wearing a Permian High School t-shirt. Mayor Perry stated that a bet was made on the Midland Lee and Permian High football game.

CONSENT AGENDA ITEMS

- A. City Council Minutes, October 11, 2011;
- B. Purchase Laserfiche, a document imaging system from DocuNav in the amount of \$54,146;
- C. Purchase automotive trucks from Freightliner in the amount of \$654,571;
- D. Purchase Pak-Mor refuse bodies from Equipment Southwest in the amount of \$353,100;
- E. Purchase Heil refuse bodies from Heil of Texas in the amount of \$148,318;
- F. **Ordinance No. 2011-37 - Request of Apollo Perforators, Inc., owner, LCA, agent, for original zoning of Planned Development-Light Industrial (PD-LI) on approximately 100.2 ac. tract in Sections 22 and 27, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (southeast of the intersection of IH-20 and proposed Faudree Rd.);**
- G. **Ordinance No. 2011-38 - Request of The Morrison Group, Inc., owner, LCA, agent, for original zoning of Planned Development-Housing (PD-H) on approximately 49 ac. tract, original zoning of Planned Development-Housing-Surface Drainage (PD-H-SD) on a 1.14 ac. tract and a 2.15 ac. tract (3.29 ac. total) and original zoning of Planned Development-Housing-Drill Reservation (PD-H-DR) on a 2.53 ac. tract and a 3.66 ac. tract (6.19 ac. total) in Sections 16 and 21, Block 41, T-**

2-S, T&P Ry. Co. Survey, Ector Co., Texas (north of the intersection of Business IH-20 and Old Bankhead Hwy.);

- H. Renew contracts for the purchase of heavy truck parts with Drive Train Specialists, Fleet Pride, Sewell Ford, and Stewart & Stevenson;
- I. Bid award to Crafcoc in the amount of \$65,376 for crack sealing compound material;
- J. Consider Odessa Development Corporation agreement with Permian Tank and Manufacturing, Inc.;
- K. **Resolution No. 2011R-95 - Odessa Development Corporation agreement with UTPB.**

Council member Graff stated that discussion on Item J be discussed in executive session.

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

OTHER COUNCIL ACTION

Amend Article 4-10, "Taxicabs", Chapter 4 of the City Code. Mr. Long stated that the amendment is for shuttle service to revise rates, authorize the police chief to administer any violations and to suspend or terminate a franchise.

Motion was made by Councilmember Cleaver and seconded by Councilmember Graff that the ordinance be approved on first approval. The motion was approved by unanimous vote.

PUBLIC HEARINGS

Open a public hearing to consider franchise to operate a shuttle service by Elf Holdings, Inc. d/b/a My Shuttle Home Mode. Mr. Long stated that My Shuttle Home Mode is a transportation company with services in San Antonio, Galveston and Lufkin. The request is for two shuttle buses including services to Odessa and Midland airport.

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

ORDINANCE

Regulating the use of mobile phones to prohibit texting while driving. Mr. Morton stated that the proposed ordinance would ban texting while driving. Mr. Long read the prohibited uses of using a wireless communication device while driving. Royce Bodiford, 311 W. 4th St. #806, supported the ordinance for it will save lives. The hand held devices place restrictions on the driver. He recognized members of the audience that supported the ordinance. Kelsey Foster, 17161 Gardendale, was a survivor of texting and driving. She stated that 17 families in Odessa have been involved in losing a loved one. Luke Brown, 2706 Santa Monica, lost his son due to texting and driving. He supported the ordinance. Mayor Melton expressed the Council's sympathy on their loss. John Levert, 1345 Westbrook, a life-long Odessa citizen stated that there were many traffic accidents caused by distractions. He stated passing this would rob personal liberty. He didn't want to be micro-managed by the local government. He read the Fourth Amendment of the Constitution.

Council member Graff was against driving while texting. She stated that the ordinance was not the answer for texting while driving. The ordinance would be impossible to enforce. Education may be part of the solution to change things. She stated that if the ordinance passed people may put their head down and text while driving

which is still dangerous. Council member Goates stated it was time to stop the texting while driving. Motion was made by Councilmember Goates but the motion died for a lack of a second.

Consider Odessa Development Corporation agreement with Permian Tank and Manufacturing, Inc. Mayor Melton stated that the Council will go into executive session under 551.087.

Upon returning from executive session, the following action took place:

Appointment of Boards. Parks and Recreation Advisory Board, Historical Preservation Commission, Traffic Advisory Committee and Cable Franchise Committee. Appointment of Officers. Board of Survey and Building Board of Appeals. None.

Citizen's comments on non-agenda items. Nelda Rose, 60 Royal Place Circle, stated that the Heritage Holiday parade was changed. She requested that the parade route be routed back to the downtown area. Steve Patton, Director of Parks and Recreation, stated that it was changed on Police Department's recommendation for safety concerns. Mayor Melton stated that staff would check on it. There was no other business, the meeting adjourned at 6:56 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TMC, CMC
City Secretary

Larry L. Melton
Mayor