

**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
SEPTEMBER 13, 2011**

On September 13, 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; Council members; 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 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. Terry Tamplen, First United Methodist Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

Councilmember Combs presented proclamations for Odessa Pride Star to TX Bank and Constitution Week.

CONSENT AGENDA ITEMS

- A. City Council Minutes, August 23, 2011;
- B. **Resolution No. 2011R-80 - Authorize the Odessa Police Department to accept a BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program;**
- C. **Resolution No. 2011R-81- Interlocal agreement with Midland County for asset forfeiture proceedings and division of forfeited property;**
- D. **Resolution No. 2011R-82 –Renew an interlocal agreement with the Texas Department of Public Safety for the provision of intoxilyzer supplies to the Police Department;**
- E. Purchase a self propelled articulating boom from United Rentals in the amount of \$117,595;
- F. **Ordinance No. 2011-32 – Amend Article 6-13 of the City Code of Ordinances regarding Municipal Setting Designations;**
- G. Bid award to Fuqua Industries in the amount of \$212,740.95 for refuse containers and replacement bottoms;

Motion was made by Council member Cleaver and seconded by Council member Graff that the consent agenda items be approved. The motion was approved by unanimous vote.

OTHER COUNCIL ACTION

Consider ratifying the property tax revenue increase reflected in the 2011-12 annual budget. Mr. Zentner stated that the annual budget will raise an additional \$628,837 in property tax plus an additional \$280,465 will be generated by new taxable property.

Motion was made by Council member Combs and seconded by Council member Goates that the property tax revenue increase be reflected in the 2011-12 annual budget. The motion was approved by unanimous vote.

PUBLIC HEARING

Open a public hearing to consider approval of the request of Apollo Perforators, Inc., owner, LCA, agent, for original zoning of Planned Development-Light Industrial (PD-LI) on approximately 78.2 ac. tract in Sections 22 and 27, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (southwest of the intersection of IH-20 and proposed Faudree Rd.) Marwan Khoury, Director of Planning, reviewed the location of the property which is vacant. The zoning change would be developed for industrial uses. The Planning and Zoning Commission recommended for approval with certain conditions. He outlined the conditions. The extension on the property is the right-of-way. John Landgraf, 521 N. Texas, stated that the extension portion of the property would be reserved for future interchange construction for TxDOT. No one else came forward and the public hearing was closed.

Motion was made by Council member Goates and seconded by Council member Carrasco that the ordinance be approved for first approval. The motion was approved by unanimous vote.

Resolution No. 2011R-83 - Open a second public hearing on proposed tax rate and schedule final vote on tax rate. Mr. Zentner stated that this is the second public hearing. The tax rate is set at \$0.522750 per \$100 valuation. The tax rate is the same as the last two fiscal years. The first vote on the proposed tax rate would be held on September 20 and the final vote will be on September 27. This is the eighth year that the tax rate has not been raised. No one came forward and the public hearing was closed.

Motion was made by Council member Graff and seconded by Councilmember Goates that the resolution be approved. The motion was approved by unanimous vote.

Open a public hearing to consider an amendment to the fund balance policy. Mr. Zentner stated that a new standard of GASB Statement #54 was implemented. In order for the City to be compliant the fund balance policy must be modified. The policy identifies five new classifications. No one came forward and the public hearing was closed.

Motion was made by Council member Combs and seconded by Council member Cleaver that the ordinance be approved for first approval. The motion was approved by unanimous vote.

Open a public hearing to consider and establish the boundaries for the five Single Member Districts (SMDs). Audencia publica para considerar y establecer los limites de los cinco distritos del concilio. Mr. Morton reported the comparison ideal district size population from 2000 which was 18,189 and 2010 was 19,988. District two had the largest change and District five had the smallest change with a deviation of 21.4%. If the redistricting showed less than 10% there would be no recommended changes to the boundaries. He presented maps and reviewed charts that listed each district change. Two options were proposed. Council member Cleaver stated in plan 5A 5,750 people were moved and in plan 5B 11,000 people were moved. In plan 5A, there were four changes made. Mr. Morton reviewed the changes. In plan 5B, there were six changes made.

Art Leal, 1206 Alameda, recommended plan 5B which has a better representation. He stated that the changes needed to be reflected to the growth of the community. He stated that with plan 5B it is fair and there are no political power plays. No one else came forward and the public hearing was closed. Council member Cleaver stated it is hard to know how the population would shift in ten years.

Motion was made by Council member Cleaver and seconded by Council member Goates that the ordinance with plan 5A be approved for first approval. The motion was approved by unanimous vote.

RESOLUTION

Tabled - Approve the budget and the General Development Plan of the Odessa Development Corporation. Motion was made by Council member Goates and seconded by Council member Combs that the item be tabled. The motion was approved by unanimous vote.

Resolution No. 2011R-84 – Adopt the City of Odessa 2011-2012 annual budget. Mr. Zentner stated that proposed revenues were \$148,110,848 and proposed expenditures were \$147,035,657 plus \$1.6 million for street infrastructure.

Motion was made by Council member Goates and seconded by Council member Combs that the resolution be approved. The motion was approved by unanimous vote.

MISCELLANEOUS

Appointment of Boards. Parks & Recreation Advisory Board, Historical Preservation Commission, Community Development Advisory Committee, Traffic Advisory Committee, Cable Franchise Committee and Permian Basin Airport Board; Appointment of Officers. (551.074) Board of Survey, Zoning Board of Adjustment, Building Board of Appeals, Emergency 9-1-1 Advisory Board, and Planning and Zoning Commission. Motion was made by Council member Cleaver and seconded by Council member Combs that the following be appointed:

Barbara Graff, Gloria Pena and Willie Taylor be appointed to the Permian Basin Airport Board;
Vern Foreman be reappointed to the Building Board of Appeals;
Bill Anderson, Wilmer Ray, Jimmy Peacock, and Lamar Osbourn be reappointed to the Planning and Zoning Commission;
Tim Burton be reappointed to the Emergency 9-1-1 Advisory Board.

The motion was approved by unanimous vote.

Citizen comments on non-agenda items. Royce Bodiford, 311 W. 4th St. #806, stated that people are increasingly concerned about sharing the roads with distracted drivers. Churches were expressing concern on marquees. Eleven weeks ago, he expressed concerns to Council on the problems of texting while driving. Numerous people agree that this is a problem. Currently, there are ten Texas cities that have ordinances banning texting while driving. He requested that the Council consider an ordinance banning texting while driving. A band was passed out to place on your cell phone, while you are driving which is being promoted by CBS 7.

There was no other business, the meeting adjourned at 6:39 p.m.

ATTEST:

APPROVED:

Norma A. Grimaldo, TRMC, CMC
City Secretary

Larry L. Melton
Mayor