

**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
JUNE 28, 2011**

On June 28, 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 Councilmember-Elect Sandra Carrasco, District Five.

Others present: Richard Morton, City Manager; Larry Long, City Attorney; Fara Corrales, Deputy 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 Santos Uvalle, Life Church, and followed by the Pledge of Allegiance to the United States and Texas flags.

OATH OF OFFICE

Administer the Oath of Office to newly elected official. Judge James Rush administered the Oath of Office to Councilmember-Elect Sandra Carrasco. Councilmember Carrasco thanked her family and friends for supporting her.

CONSENT AGENDA ITEMS

- A. City Council Minutes, June 14, 2011;
- B. **Resolution No. 2011R-53- Authorize the City of Odessa Police Department to apply for a BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program;**
- C. **Ordinance No. 2011-22- Request of Elvis and Jessica Galindo, owners, to rezone from Planned Development-Retail (PD-R) to General Residential (GR) Lot 3, Block 42, Harrisdale Addition, 7th Filing (west of the intersection of W. 28th and Bookins Ave.);**
- D. **Ordinance No. 2011-23- Amend Section 12-103-2 of the sign ordinance regarding the maximum area allowed for apartment or housing project informational signs from two (2) square feet to ten (10) square feet per building unit within the complex;**
- E. **Resolution No. 2011R-54- Sale of tax delinquent property located at 2505 Van Street;**
- F. **Resolution No. 2011R-55- Temporary lease agreement with the Odessa Chamber of Commerce;**
- G. **Ordinance No. 2011-24- Ban certain weapons in any city-owned park, playground or the golf course;**
- H. **Ordinance No. 2011-25- Abandon and exchange of street right-of-way in Section 34, Block 42, T-1-S, T&P Ry. Company**

Survey, Odessa, Ector County, Texas;

- I. Review monthly financial summary report for May 2011.

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

OTHER COUNCIL ACTION

BID AWARD

Bid award for Section 15 sewer line and storm sewer TV inspection. Ajay Shakyaver, City Engineer, stated that four bids were submitted. He recommended the project be awarded to Clean Serve in the amount of \$242,517.55. The proposal from Clean Serve was 56% below the engineer's estimate. Councilmember Graff asked how far past 8th Street this project would be inspected. Mr. Shakyaver stated that it would go to 10th Street or 11th Street.

Motion was made by Councilmember Combs and seconded by Councilmember Goates that the bid award be approved. The motion was approved by unanimous vote.

PUBLIC HEARINGS

Resolution No. 2011R-56 - Open a public hearing to consider an appeal made by Rosa Gonzales (owner) of the order issued by the Board of Survey to remove the rear structure(s) and clear the lot of all debris, PL to PL. Merita Sandoval, Director of Community Development, reviewed the location of the property. Ms. Sandoval stated that the owner originally signed a waiver to remove the building but then submitted an appeal. Rosa Gonzales stated that she has been working on getting it fixed. She assumed that the boarded up door was enough until she could start making repairs. She would like the opportunity to fix the structure. Councilmember Cleaver asked when the dates were of the pictures shown. Ms. Sandoval stated that the pictures were taken on Monday, June 27th. Ms. Gonzales stated that the use of the structure would only be for storage. The structure has no running water or electricity. Councilmember Carrasco stated that the windows were not secure and it was possible for people to get in through the windows. Councilmember Combs asked when Ms. Gonzales could complete the repairs. Ms. Gonzales stated that she could begin in the next thirty days. Councilmember Graff stated that the structure looked like it was an apartment. Councilmember Cleaver requested that there be more discussion. Councilmember Carrasco agreed that more discussion was needed. It's going to cost more to keep rather than to just tear down if Ms. Gonzales doesn't begin work soon.

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

Resolution No. 2011R-57 - Open a public hearing to consider an appeal made by Michael Dean Roberts (owner) of the order issued by the Board of Survey to remove the storage and clear the lot of all debris, PL to PL. Ms. Sandoval reviewed the location of the property. The pictures shown were taken on Monday, June 27th. Councilmember Goates asked if the structure was involved in a fire. Ms. Sandoval stated that it was burnt. Michael Dean Roberts, P.O. Box 7576, gave a copy of his presentation to Mayor Melton. He stated that Ralph McCain, Building Official, lied in the past and it was likely that he was lying now. He passed a piece of redwood around to the Council and stated that it was impossible that it would rot or decay. He will appeal if Council approves to remove the structure.

Motion was made by Councilmember Cleaver and seconded by Councilmember Carrasco that the resolution be approved. The motion was approved by unanimous vote.

ORDINANCE

Ordinance No. 2011-26 - Consider amending the City Code of Ordinances by adding Section 1-3-4, entitled "Date of Election", in order to change our regular municipal election date in May to the State uniform election date in November. Mr. Long stated that approval would change the election date from May to November. Councilmember Cleaver asked what the other entities have done about changing their election date. Mr. Morton reported that other entities have not taken any formal action. Councilmember Cleaver asked how money was being saved if the other entities kept their elections in May. Mr. Morton stated that November election costs would be shared with the County and in May it is shared with other entities, if there are any at all. Councilmember Cleaver was concerned on seeing citizens vote a straight ticket. City candidates would be at the bottom of the list. There is a better chance at winning if the candidate is first on the ballot. Councilmember Cleaver stated that he would be lost in the shuffle and it wasn't possible to compete against the president and governor, during the campaign. The only way to win is by default. Councilmember Carrasco stated that it was debatable. She can't be sure that voters won't see the city candidates on the ballot. Councilmember Cleaver stated that pulling up history, 80% of voters don't vote in the local elections but vote during presidential and governor elections. There is a good turnout during an election where the Mayor and district two are on the ballot. Mayor Melton gave the gavel to Mayor Pro Tem Goates while he spoke. He stated that he reviewed the elections from the last several years. Voter turnout was up 30%. The cost difference wasn't huge. Councilmember Graff stated that she went to the Election's Office for more information. There is always going to be a small turnout during elections because the districts are small. City candidates would be placed at the end of the ballot and the majority of voters vote a straight ticket. The cost is higher when the election is held on a Saturday. More hours are needed during the November election; therefore, workers would have to be paid more and more machines may need to be purchased on the City's nickel. She was torn between the decision to move the election. Councilmember Combs stated that the turnout was greater in the General Election. During his last election, 360 people turned out to vote for his district. More than 360 voters will vote during the presidential election. The gavel was returned to Mayor Melton.

Motion was made by Councilmember Combs and seconded by Councilmember Goates that the ordinance be approved on second and final approval. The motion was approved by a 4-2 vote with Councilmembers Cleaver and Graff casting nay votes.

Appointment of Boards. Parks and Recreation Advisory Board, Midland Odessa Urban Transit District, Historical Preservation Commission, Odessa Development Corporation, Community Development Advisory Committee and Traffic Advisory Committee. Appointment of Officers. Board of Survey and Permian Basin MH/MR Board of Trustees. Motion was made by Councilmember Goates and seconded by Councilmember Combs that the following appointments be made:

Barbara Graff appointed to the Midland Odessa Urban Transit District
Rodney Hurt appointed to the Traffic Advisory Committee
Paul Weaver appointed to the Board of Survey
Eva Ramirez appointed as a full member to the Board of Survey
Margaret Jones reappointed to the Permian Basin MH/MR Board of Trustees

The motion was approved by unanimous vote.

Citizen's comments on non-agenda items. Royce Bodiford, 311 W. 4th Street, #806, was upset with the Texas Legislature. Governor Rick Perry vetoed the legislation to ban texting while driving. Governor Perry has stated that it is an overreach in the government to micromanage the behavior of adults. Mr. Bodiford stated that

over thirty states have legislation that bans texting while driving. Texting, at some point, will be the leading cause of death over DUIs. He challenged the Council to be proactive and to ban any wireless activity while driving. He provided a copy of an El Paso ordinance banning texting while driving. Mayor Melton stated that the Council will consider the issue.

There was no other business, the meeting adjourned at 6:43 p.m.

ATTEST:

APPROVED:

Fara Corrales
Deputy City Secretary

Larry L. Melton
Mayor