



**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
APRIL 28, 2009**

On April 28, 2009, 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; and Dean Combs, District Four.

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 Mayor Melton and followed by the Pledge of Allegiance to the United States and Texas flags.

Mayor Pro Tem Bodiford presented proclamations for National Tourism Week, Buddy Poppy Month and Wealthiest in Healthiness Day.

CONSENT AGENDA ITEMS

- A. City Council Minutes, April 14, 2009;
- B. **Ordinance No. 2009-14 - Appointment of Election Judges and consolidation of various polling places for the June 6, 2009, Special City Election;**
- C. **Ordinance No. 2009-15 - Request of DJK, Inc., owner, EXL Petroleum, LP, leasee, for original zoning of Future Development-Drill Reservation (FD-DR) on approximately 2.1 ac. tract of land in Section 14, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (north of Old Bankhead Hwy. (CR 122W) and E. of LCC Links Course);**
- D. Review monthly financial summary report for March 2009.

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

OTHER COUNCIL ACTION

PUBLIC HEARINGS

Ordinance No. 2009-16 - Open a public hearing to consider ordinance continuing the "Offenses" provisions of Chapter 8, Article 8-3, Sections 8-3-31 through 8-3-35 establishing a nocturnal curfew for persons under 17. Police Chief Tim Burton stated that this would renew our curfew ordinance. No one came forward and the public hearing was closed.



Motion was made by Councilmember Combs and seconded by Councilmember Goates that the ordinance be approved for second and final approval. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye

Open a public hearing to consider initiation of annexation to the City of Odessa approximately 784 ac. of land in Sections 1 and 2, Block 42, T-2-S, and Section 6, Block 41, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (vicinity of E. 52nd St., JBS Parkway Blvd. and E. Loop 338 and N. Grandview Ave. and Yukon Rd.), approximately 288 ac. of land in Sections 10, 11, 14 and 15, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (east of Mission Blvd.) and approximately 856 ac. of land in Sections 15, 21, 22, 27 and 28, Block 41, T-2-S, T&P Ry. Co. Survey, Midland Co., Texas (vicinity of Business IH-20 and IH-20) Marwan Khoury, Director of Planning, stated that there were no comments received. He stated that it was on the North side and Northeast of Odessa. No one came forward and the public hearing was closed.

Open a public hearing to consider approval of revisions to Sections 5 and 7 of the Water Conservation Plan and Drought Contingency Plan. Debbie McReynolds, Director of Utilities, recommended the changes to the Water Conservation Plan and Drought Contingency Plan as directed by the Water Code. She outlined the goals in the plan. No one came forward and the public hearing was closed.

Motion was made by Councilmember Cleaver and seconded by Councilmember Bodiford that the ordinance be approved for first approval. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye

RESOLUTIONS

Resolution No. 2009R-24 - Midland Odessa Urban Transit District (MOUTD), EZ Rider, to authorize grants under the American Recovery and Reinvestment Act (ARRA). Matt Squyres, Director of Public Works, stated that this would authorize the execution of grants from the stimulus bill in the amount of \$3.949 million and from the FTA grant in the amount of \$2.7 million to be used for capital items. The funds are required to be expended in 120 days and MOUTD would be able to expend the funds. The Midland City Council approved the grants. Mayor Melton stated that the total was \$6.7 million.

Motion was made by Councilmember Combs and seconded by Councilmember Goates that the resolution be approved. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye



M Riggs, 810 W. 25th, stated that the \$7 million would be spent but then the taxpayers would have to keep it going. He stated that there was a low number of people who ride the bus. He stated that there needed to be a halt to unnecessary spending. He was opposed to the grants.

Resolution No. 2009R-25 – Outside agency request for Hotel/Motel Tax funding from the fiscal year 2008-2009 budget to Friends of Ector Theatre. Mr. Long stated that the Friends of Ector Theatre requested \$25,000 from Hotel/Motel funds for three additional events. They have spent money for capital expenses. Don Stice, 1406 E. 17th, reported that the funds were used that was given but it did not go as far. The attendances at events have been sold out crowds. They will be redoing the seats and new curtains will be up. He was putting money back into the theatre. Ector Theatre is making a name in the entertainment field and acts from Branson have played at the theatre. He thanked the Council for their consideration. Mr. Long stated that the request was for advertising, an eligible expense.

Motion was made by Councilmember Bodiford and seconded by Councilmember Cleaver that the resolution be approved. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye

Resolution No. 2009R-26 - Outside agency request for Hotel/Motel Tax funding from the fiscal year 2008-2009 Budget to Colores Productions. Mr. Morton stated that the request is for \$50,000 for its event beginning on April 30. Mr. Esparza reported that the event was outgrowing its venue. He requested the funds to advertise to draw about 5,000 to 10,000 more people. He has spent money for advertizing but it was not paid. He will make a funding request for the event next year. Councilmember Goates stated that the funds are to help put heads in beds and to reach out further was important. Mr. Esparza stated that they would advertise in Lubbock and San Angelo. Councilmember Cleaver was concerned with the application request not turned in by the deadline. Mr. Esparza stated that he could spend an additional \$15,000 in advertising in three cities. Nick Hernandez, 1109 S. Sam Houston, hosts the annual car show and the events take a lot of money to promote. He supports the commerce and tourism. Councilmember Cleaver reported that he has attended both events and were very successful. He stated that the application is late and it was not fair for the other organizations who request funds.

Motion was made by Councilmember Cleaver and seconded by Councilmember Goates that the resolution be approved in the amount of \$10,000 for advertising. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye

Resolution No. 2009R-27 - Sale of Lots 7-9 and 11, Block 31, Herbert Wight Addition, Odessa, Ector County, Texas (620 N. Alleghaney) to the Permian Basin Rehabilitation Center for the public purpose of providing rehabilitative services for persons with disabilities in the Permian Basin and for less than fair market value, pursuant to Texas Local Government Code, Section 253.011. Mr. Morton stated that the rehab has used the building at 620 N. Alleghaney since its construction. He stated that this would deed the property over to the rehab for continued use of the facility.



Motion was made by Councilmember Goates and seconded by Councilmember Combs that the resolution be approved. The motion was approved by the following vote:

Bill Cleaver	Aye
James B. Goates	Aye
Royce Bodiford	Aye
Dean Combs	Aye

MISCELLANEOUS

Appointment of Boards. Parks & Recreation Advisory Board, Complete Count Committee, Midland Odessa Urban Transit District and Historic Preservation Commission; Appointment of Officers. (551.074) Plumbing Advisory Board, Mechanical Board of Appeals, Zoning Board of Adjustment and Emergency Communications. Motion was made by Councilmember Combs and seconded by Councilmember Cleaver that the following appointments be made:

Karen Hildebrand appointed to the Parks and Recreation Advisory Board
Sally Russell appointed to the Midland Odessa Urban Transit District
Daisy Bell Hester reappointed to the Historic Preservation Commission
Tim Burton appointed to the Emergency Communications District 911

The motion was approved by unanimous vote.

Citizen comments on non-agenda items. No one came forward.

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

ATTEST:

APPROVED:

Norma A. Grimaldo
City Secretary

Larry L. Melton
Mayor