

**CITY COUNCIL MINUTES
CITY OF ODESSA, TEXAS
MARCH 8, 2011**

On March 8, 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 Roy Hunton, 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 Mayor Melton and followed by the Pledge of Allegiance to the United States and Texas flags.

CONSENT AGENDA ITEMS

- A. City Council Minutes, February 22, 2011;
- B. **Resolution No. 2011R-17 – Adopt the Hazard Mitigation Action plan;**
- C. **Resolution No. 2011R-18 – Sale of tax delinquent property located at 407 S. Muskingum;**
- D. **Resolution No. 2011R-19 – Sale of tax delinquent property located at 406 Nelson;**
- E. **Resolution No. 2011R-20 – Support for state funding for the Texas Historical Commission’s Heritage Trails program;**
- F. **Resolution No. 2011R-21 – Adopt the Family Health Project, Revision January 1, 2011 and extension of contracts with affiliated service contractors;**
- G. Review monthly financial report for December 2010;
- H. Review monthly financial report for January 2011;
- I. **Resolution No. 2011R-22 – Support of continued funding to Odessa College;**
- J. **Resolution No. 2011R-23 – Support of continued funding to University of Texas of the Permian Basin.**

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

OTHER COUNCIL ACTION

BID AWARD

Consider award of the bank depository agreement to JPM Chase. Mr. Zentner stated that an analysis was

made from the four bids that were received for the bank depository. He recommended that the agreement be made with JPM Chase for two years.

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

PUBLIC HEARING

Open a public hearing to consider approval of the request of Michael McCulloch, owner, Janice Havens, agent, to rezone from Light Industrial (LI) to Retail (R) Lot 1, Block 1, Clyde Addition and to rezone from Light Commercial (LC) to Retail (R) Lot 2, Block 12, University Gardens (north of the intersection of Business IH-20 and Pagewood Ave.) (Ordinance - First Approval) Marwan Khoury, Director of Planning, reviewed the location of the property. The purpose of rezoning to retail would be for a charter school. The east side property would be used for parking. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

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

Open a public hearing to consider amending the Water Conservation /Drought Contingency plan. Matt Irvin, Director of Utilities, stated that the drought contingency plan was reviewed and modified. The plan clarifies the use of reclaimed water. He explained that the Fire Department would drain the hydrants twice a year. This is required to maintain the reduced homeowners' insurance rates, maintain a flow, and gets rid of the residuals in the water system. New equipment would be used to limit the flow rates. He explained that there was no way to contain the water that flows into the streets. No one came forward and the public hearing was closed.

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

ORDINANCE

Amend the City Code by adopting Article 8-5 entitled "Nuisance Water". Mr. Long stated that the ordinance would assist in preserving water. He reviewed the illegal acts of the use of water under the ordinance. Notice of violation would be given before a citation would be issued.

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

RESOLUTION

Resolution No. 2011R-24 – Professional services agreement for design of South U.S. 385 waterline extension. Matt Squyres, Director of Public Works, stated that the agreement would be with Landraf, Crutcher and Associates for design services. The funds were provided by Conoco which have already been paid. The design would be completed this year. Conoco would help pay the maintenance cost for 20 years. The waterline would serve 60 to 80 customers with a potential to expand to 120 customers.

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

Resolution No. 2011R-25 – Second amendment to landfill agreement. Mr. Squyres stated that the landfill

agreement amendment would extend for 15 years with the same pricing. The landfill has a life of 92 years. The city is about one-third of its business. Council member Goates stated that this was a good partnership and took away city liability.

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

MISCELLANEOUS

Appointment of Boards. Parks & Recreation Advisory Board, Midland Odessa Urban Transit District, Citizens Golf Advisory Committee, and Odessa Enterprise Zone Committee. Motion was made by Council member Combs and seconded by Council member Cleaver that Paul Chavez and Kyle Howard be reappointed to the Citizens Golf Advisory Committee. The motion was approved by unanimous vote.

Appointment of Officers. (551.074) Planning & Zoning Commission. No action.

Resolution No. 2011R-26 – Execution of an updated employment agreement with the City Manager. Mayor Melton stated that the Council would go into executive session under 551.074.

Upon returning from executive session, Mayor Melton stated that the resolution would update the contract. The agreement would bring the salary to the current level, change the severance package to nine months and the city would pay 3.5% of TMRS.

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

Citizen comments on non-agenda items. None

There was no other business, the meeting adjourned at 6:27 p.m.

ATTEST:

APPROVED:

Norma A. Grimaldo, TRMC, CMC
City Secretary

Larry L. Melton
Mayor