

**CITY COUNCIL MINUTES  
CITY OF ODESSA, TEXAS  
JANUARY 11, 2011**

On January 11, 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; 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.

The Heritage Holiday parade awards were presented to the winners.

**CONSENT AGENDA ITEMS**

- A. City Council Minutes, December 14, 2010;
- B. **Resolution No. 2011R-01 - Authorize the City to apply for Texas "J" RAC Tobacco Grant;**
- C. **Ordinance No. 2011-01 – Amending Chapter 13, Article 13-2 by adding Division 4 of the City Code entitled "Sewage Quality Control Ordinance" dealing with discharges from commercial/industrial users into the wastewater collection and treatment system as well as approving associated revisions to the Pretreatment Program; and deleting Exhibit A, Chapter 15B of the City Code and relocating as described above;**
- D. **Resolution No. 2011R-02 – Submission of pretreatment program revisions to the Texas Commission on Environmental Quality;**
- E. **Ordinance No. 2011-02 – Create Reinvestment Zone No. 4;**
- F. **Resolution No. 2011R-03 – A tax abatement agreement with CUDD Pumping Service, Inc.;**
- G. **Resolution No. 2011R-04 - ODC economic development agreement with CUDD Pumping Services, Inc;**
- H. **Resolution No. 2011R-05 - An agreement with Texas Tech University System and National Institute for Renewable Energy for economic development purposes;**
- I. Review monthly financial summary report for October 2010.

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

## OTHER COUNCIL ACTION

### PUBLIC HEARING

**Ordinance No. 2011-03 - Open a public hearing to consider approval of the request of Parks Bell Ranch, Ltd., owner, for annexation to the City of Odessa of approximately 1,700 ac. of land in Sections 40,41,,45 and 46,Block 41,T-1-S, T&P Ry. Co. Survey, Ector and Midland Co., Texas (north and east of Faudree Rd. and Yukon Rd.)** Marwan Khoury, Director of Planning, stated that the annexation was for 1,700 acres. No one came forward and the public hearing was closed.

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

**Open a public hearing on the application of Flint Hills Resources, LP, for the City of Odessa's support of a Municipal Setting Designation over 947.385 acres of property located at 2400 South Grandview.**

Mr. Long explained the purpose of a municipal setting designation. Flint Hills Resources filed an application for a municipal setting designation. The property is outside city limits but inside the extraterritorial jurisdiction. Teresa Waters, P.O. Box 7943, supported the city in helping Flint Hills. Mr. Morton reported that this is to prohibit use of groundwater and there was no money involved. Council member Graff had questions on the issue. Quinton McNotley stated that citizens around the area will not be affected only the boundaries of the specific property. He stated that monitoring was done on site and there were no factors visible that would cause to move it. He also stated that monitoring wells were installed and the data submitted to TCEQ. Council member Goates stated that some of the advantages were that the water was not extracted and the surface was sold and enhanced. David Whitten, Dallas attorney, has handled 40 municipal setting designations. He stated it allows protection on health and environment. He gave some examples and offered his services to the city. No one else came forward and the public hearing was closed.

### ORDINANCE

**Prohibiting the use of designated groundwater, for potable and irrigation purposes, from beneath 947.385 acres of property located at 2400 South Grandview, currently owned by Flint Hills Resources, LP.** Mr. Long stated that the ordinance would prohibit access to the potable groundwater at 2400 South Grandview.

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-06 - Support addressing the 82<sup>nd</sup> Legislative Session of the State of Texas to fund the Texas Parks and Wildlife Department.** Steve Patton, Director of Parks and Recreation, reported that a group will address the legislature on protecting the Texas Parks and Wildlife funds that assist cities on park projects.

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

**Resolution No. 2011R-07 - Ratification of mediated proposed settlement of Varela Case.** Mayor Melton stated that the Council would go into executive session under 551.087.

Upon returning from executive session, 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 and Midland Odessa Urban Transit District.** Motion was made by Council member Goates and seconded by Council member Combs that Karen Johnson be appointed to the Parks and Recreation Advisory Board as Mayors Melton's appointee. The motion was approved by unanimous vote.

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

**Citizen comments on non-agenda items.** None

There was no other business, the meeting adjourned at 6:48 p.m.

ATTEST:

APPROVED:

Norma A. Grimaldo, TRMC, CMC  
City Secretary

Larry L. Melton  
Mayor