



**CITY COUNCIL WORK SESSION MINUTES
CITY OF ODESSA, TEXAS**

January 5, 2021

On January 5, 2021, a work session meeting of the Odessa City Council was held at 10:08 a.m., Odessa, Texas at the Odessa Marriott Conference Center, Devonian Ballroom, 305 E. 5th St., Odessa, Texas.

City Council present: Mayor Javier Joven; Council members: Mark Matta, District One; Steven Thompson, District Two; Detra White, District Three; Tom Sprawls, District Four; Mari Willis, District Five; and Denise Swanner, At-Large.

Others present: Michael Marrero, City Manager; Norma Aguilar-Grimaldo, City Secretary; Natasha Brooks, City Attorney; Cindy Muncy, Assistant City Manager; Phillip Urrutia, Assistant City Manager; and other members of City staff.

A quorum being present, Mayor Joven called the meeting to order and the following proceedings were held:

Mayor Joven gave the invocation.

ECISD's donation from the City's CARES Fund remarks. Dr. Scott Muri, ECISD Superintendent, stated that the COVID-19 pandemic was a challenge in providing tools and technology to all students. The City donated almost \$900,000 from the City's CARES Fund and the State matched those funds for a total of \$1.8 million investment. He reported that every child had a device, and many families have Wi-Fi access. Dr. Muri expressed gratitude to the City Council from all the students, employees, and board. He reported a dramatic difference in learning. Council member Willis expressed appreciation for taking on the challenges and appreciated the leadership during this time. Council member Matta expressed appreciation for Dr. Muri's topnotch leadership. Council member White stated thanked Dr. Muri for the tools and resources provided as there were families that could not have provided the tools.

Ordinance outlawing abortion within the City and declaring as Sanctuary City for the unborn discussion. Mayor Joven stated that ordinance of outlawing abortion and declaring a Sanctuary City was to inform the public of the ordinance. He stated that there were 17 cities in Texas that were sanctuary cities. Mark Lee Dickson, 108 Pirate, Longview, was the Director of Right to Life East Texas. Mr. Dickson reported that the City of Waskom was the first city to outlaw abortion. He provided the history of cities outlawing abortion. Seven cities were sued by the ACLU, but with ordinance amendments made, the ACLU withdrew the lawsuits. Mr. Dickson stated that there would be no cost to the taxpayers. He stated that Mitchell Law would represent as the attorney for the sanctuary city for the unborn. He stated that an ordinance was drafted for Odessa to outlaw abortion as a preventive measure. He stated that it was not taking away abortion access. Mr. Dickson reported that Odessa was mentioned as a place for Planned Parenthood to expand services. There were support letters from Senators encouraging passing the ordinance. He asked Council to consider making a righteous decision for the future of Odessa. Council member Thompson stated that the attorney at no cost would cost time, energy, and money. If the case was lost, it would cost the taxpayers money. He stated that there was no guaranteed win. Hanna Horick, 408 W. 17th St., was a survivor of domestic violence and opposed the ordinance. She stated as a survivor there was no protection under the ordinance. The ordinance would fail victims of

rape, coercion, and domestic violence with no options in Odessa and deter the quality of healthcare in the city. Judi Parrish, 619 W. 19th St., stated that the ordinance was not needed. Planned Parenthood helped with birth control and women's healthcare. She did not see a benefit. Mayor Joven stated it was a preventative measure in protecting life. In the past, abortions were performed in Odessa. JoAnna Keese, 1516 Verde Ave., asked how Council can override the Constitution law. She stated that this was insulting to discuss and the author of the ordinance did not live or had ties to Odessa. Alicia Joiner, 6749 N. Dixie, did not support the ordinance. She stated that the Planned Parenthood had stipulations that were abrasive. She described the procedures. She asked how the enforcement would be made. Mike Cummings, Joaquin City Council member, was praying for the Council to outlaw abortion. He stated abortion was a hot topic and the Odessa American took the issue out of context. He stated it was the Christian way to act upon the ordinance. Council member White thanked all who traveled to the meeting. She did not appreciate being criticized on Christian beliefs and was offended. Council member Willis stated that her vote was a sound decision for the health and welfare of the citizens and community. Council member Thompson was offended with the comments that the votes determined Christianity. He did not appreciate the comments. Council member Swanner thanked the speakers for their comments. She supported the sanctuary city. Ashley Jenkins, 1713 N. Tom Green, did not support abortion. She was assaulted, abused, and covered in scars. She supported the sanctuary city. Kathy Rhodes, 6000 Colorado, had miscarriages and was a formerly abused. She stated that the children were a precious gift from God. She asked for grace to speak for the unspoken voices. Jamie Berryhill, Mission Messiah, quoted scripture. He had worked with women for the past 24 years with alcohol, addiction, and promiscuity. It was a devastating impact on lives. Anne Conder, 4201 Tumbleweed Trail, Midland, prayed for Odessa. She knew people that had abortions and asked for forgiveness from the body of Christ. She stated that people needed to understand the issue, be humble and repent. Gabriella Baltazar, 8702 W. Peacock, faced the decision of being a mother at 15 years old. She has experienced the rewards of being a mother and worked harder for her children. She supported the ordinance as it stood for life. Tara Gonzales, 913 Jeter, was a psychologist and focused on facts. There were no statistics that indicated that abortion reduced domestic violence. The unborn children were under attack. She supported making it impossible to have an abortion.

Council member Willis thanked the speakers. She stated that there were major issues with the city to address that included infrastructure, pandemic, and the water system. She was elected to represent the citizens and not a selected group. She received letters that opposed the ordinance. She stated it was time to come together to take care of the city, be leaders and respect each other. She thanked the local speakers that shared from their hearts. Council member Thompson stated that there should be no judgement on the vote. He stated that this issue should not be before the Council. He stated that the City had serious issues and the abortion issue was set by law. His vote did not define his beliefs. Council member Sprawls stated that the ordinance was chasing a problem. He resented the fact that some people would define his faith by his vote. He stated we could not judge other people and it was a waste of time with the problem that the city did not have. Mayor Joven stated that it was not his personal agenda, but the citizens asked to place on the agenda for discussion. He stated it was not a waste of time. He thanked all for attending and respecting the difference in opinion. He stated that there were pressing issues that included the outlawing of abortion and sanctuary city. More time was needed for the community to discuss the issue. There may be further discussion at a future meeting.

There was a short recess from 11:28 a.m. – 11:41 a.m.

Mask requirement discussion. Council member Willis supported continuing the mask requirements and not rescind. The vaccinations would provide another layer of protection.

Mr. Marrero stated that the masks requirements was effective before Thanksgiving. Ms. Brooks explained the process that the masks requirement was effective until Council votes as it was perpetual. Council member Thompson stated that the numbers have come down since the wearing of the masks. Council member White was in favor of the mask requirements as it was beneficial but not to be permanent. Council member Sprawls stated that there was some point to get back to normalcy and was ready relax the mandate. Ms. Brooks stated a motion would be needed to rescind the ordinance. The mandate was for local businesses to use as a tool for enforcement. Council member Wills reported that the mandate was due to the hospitalization rate that escalated in the region and the healthcare providers asked for assistance. Council member Matta stated that businesses had the right to mandate their own businesses. Council member White stated it was for enforcement purposes. There were a few incidents where the police was called out to the businesses. She stated that majority of the people voluntarily wore the masks. Mayor Joven asked about the point to consider rescinding the mandate. He stated that discussion was needed for monitoring the numbers, safety, and removing the guidelines. The community input was vital, and the numbers were encouraging.

Purchase 35 sets of personal protective equipment. Saul Ortega, Assistant Fire Chief, stated that the 35 sets of protective equipment purchase was to replace gear that was reaching out of service status according to standards. The funds were from the Lifeline program for a cost of \$79,893.10.

Donation of 70 radios to the Volunteer firefighters in Ector County. Matthew Davidson, Deputy Police Chief, stated that the donation of 70 radios was to the volunteer firefighters in Ector County. The old radios were non repairable and non-serviceable but would increase communication for the volunteer firefighters.

Donation of 241 jackets to the Jesus House Odessa. Deputy Chief Davidson stated that 241 out of service jackets would be donated to the homeless.

Bid award for side loading refuse containers. Mr. Urrutia stated that 100 metal dumpsters would be purchased which was an annual budgeted replacement. The cost was \$51,500. Solid Waste had 38 routes and replaced containers two to three routes annually.

Contract renewal for the purchase of sodium hydroxide. Mr. Urrutia stated that the annual renewal was for sodium hydroxide with no increase in cost. The cost was \$205,000. The chemical was used at the Water Treatment Plant.

City of Odessa's amendment to the 2020 Action Plan. Merita Sandoval, Director of Community Development, stated that the amended plan included the CDBG CARES Fund, round three. The Department of Housing and Urban Development reduced the initial CDBG funding by \$133 and the HOME by \$61 due to a formula error.

Bids from Vanco Insulation for the removal of three unsafe commercial structures. Mrs. Sandoval stated that three commercial structures would be removed at 2565 E. 2nd St., 201 Bunche, and 612 Jefferson. The Building Official determined the hotel, and two churches were dangerous to the community. A lien would be filed.

Bid award to construct various sport courts at Floyd Gwin Park. Steve Patton, Director of Parks and Recreation, stated that Onyx was recommended to build the sport courts at Floyd Gwin Park, the first phase for the rehab. The bid was \$707,720 which was within budget. The work would start immediately and have 120 days for completion. The funds

were from the 2019 Certificates of Obligation. The total cost for the reconstruction of the park was \$8.2 million.

Reject bids for the Memorial Gardens Park embankment stabilization project. Mr. Patton explained the issue with the drainage ditch embankment at Memorial Gardens Park. He recommended rejection of the bids as they were over budget. There would be a scale down on the project and be rebid in February.

Necessary signatures in connection with Municipal Court Cash Bond Account Funds. Larry Fry, Director of Finance, stated that the signatures would update the authorized signers for the Municipal Court Cash Bond. Two signatures were needed to execute the documents.

Necessary signatures in connection with City Funds. Mr. Fry stated that the signatures would update the authorized signers for the City funds. Two signatures were needed to execute the documents.

Request by Marco Davis for rezone request. Randy Brinlee, Director of development Services, stated that the zoning would be from office to retail. The rezoning would provide for more options. The Planning and Zoning Commission recommended for approval.

Original zoning request by Champs Trucking. Mr. Brinlee stated that zoning was for Light Commercial located on Crane Ave. The zoning was for appropriate use and the Planning and Zoning Commission recommended for approval.

Request by Betenbough Homes for rezone request. Mr. Brinlee stated that the rezoning was to add a Special Dwelling District-Surface Drainage designation. It would allow for a detention basin off 91st St.

Request by 155 SE Loop 338 for rezone request. Mr. Brinlee stated that the zoning was for Light Industrial that had a vacant building. The development would be for transitional housing.

Council meeting and Work Session meeting times and dates. Council member Willis stated that the work sessions were helpful, and all received the same information. She proposed a virtual work session. Mayor Joven had Wi-Fi connectivity issues due to field location and preferred an afternoon meeting time. Council member Matta preferred a later work session time. He also had connectivity issues due to field location. Council member Thompson stated that there were routine redundant items on the work session. He asked that the items be discussion topics. Council member White stated that the day work sessions would have less overtime with City personnel. She agreed to a later time but had personal family time on Tuesday evenings. Council member Sprawls preferred the 10 a.m. meeting time. Council member Swanner favored the afternoon meeting time.

Mayor Joven stated that the meetings would be moved to the afternoon with flexibility. Mr. Marrero would adjust the work session items and time. Council members Sprawls and White would like to hear routine items. Council member Thompson clarified that the routine items were the zoning requests.

Water Treatment Plant update. Thomas. Kerr, Director of Public Works/Utilities, stated that the Water Treatment Plant's infrastructure was 65 years old. He provided background

information on the plant. There were various facility upgrades over the years. An evaluation and assessment identified needs. It was made on the conditions and long-term viability of the plant. There were several deficiencies and performance concerns that were identified. Mr. Kerr discussed and explained the areas requiring rehabilitation and improvement. Major categories of deficiency included regulatory of filtration and chemical storage, operational with electrical systems and filtration, structural and safety on electrical system. The design for rehab was 60% complete with the final design completion for June 2021. The construction time was three to four years. The projected cost was \$100 million but was not funded. Council member Thompson asked about building a new plant as it was more efficient, quicker, and no constraints. Mr. Kerr stated a new plant would cost \$300 to \$350 million. A new plant with a new location would require rerouting transmission lines. Council member Thompson asked about the concrete structures with the exposed rebar. Mr. Kerr stated a forensic analysis was made. He stated that the rehab would last about 50 years with maintenance. Plant 2 was in good shape with some cracks and filter failure. Plant 2 could operate without Plant 1, while it was under rehab. Mr. Marrero stated Council would have a meeting with the consultants and financial advisor for viable funding. Council member Thompson stated that there needed to be forward thinking with a long-term plan for the future of longevity.

City Boards and Commissions. Mrs. Grimaldo provided Council with the Boards and Commissions Committees. She outlined the boards that Council would appoint individuals to serve on the boards. Council would consider at a future Council meeting.

Personnel Matters – Deliberate the employment, evaluation, duties, discipline, complaint, or dismissal of the Associate Municipal Court Judge (Texas Government Code 551.074). Reconvene in open session for possible action. As authorized by the Texas Government Code, Section 551.071 (Consultation with Attorney), the City Council may adjourn into executive session to consider pending or contemplated litigation. Reconvene in open session for possible action. Motion was made by Council member Thompson and seconded by Council member White to go into executive session under 551.074 and 551.071. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, White, Sprawls, Willis, and Swanner
Nay: None

The Council reconvened from executive session. No action was taken in executive session.

Motion was made by Council member Sprawls and seconded by Council member Thompson to return from executive session. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, White, Sprawls, Willis, and Swanner
Nay: None

Motion was made by Council member White and seconded by Council member Thompson to appoint Carlos Rodriguez as Interim Municipal Court Judge with a 5% salary adjustment. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, White, Sprawls, Willis, and Swanner
Nay: None

Motion was made by Council member Willis and seconded by Council member Sprawls to

adjourn the meeting. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, White, Sprawls, Willis, and Swanner
Nay: None

The meeting adjourned at 4:02 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor