



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

January 10, 2023

On January 10, 2023, a regular meeting of the Odessa City Council was held at 6:00 p.m. in the Council Chambers, 5th floor, City Hall, 411 W. 8th, Odessa, Texas.

City Council present: Mayor Javier Joven; Council members: Mark Matta, District One; Steven P. Thompson, District Two; Gilbert Vasquez, District Three; Greg Connell, District Four; Chris Hanie, District Five; and Denise Swanner, At-Large.

Staff present: Agapito Bernal, Interim City Manager; Norma Aguilar-Grimaldo, City Secretary; Dan Jones, Interim City Attorney; Aaron Smith, 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:

The invocation was given by Shepherd Bud Cagle, New Life Church, and followed by the Pledge of Allegiance and Texas flags.

Proclamations, Presentations and Awards. Mayor Joven presented the ECISD School Board recognition proclamation.

Citizen's comments on non-agenda items. Dallas Kennedy addressed the issue at the December 13, 2022 Council meeting. He heard allegations on mistreated employees and requested an external investigation on the employee and allegations.

Consent Agenda

1. City Council minutes, December 13, 2022;
2. City Council Work Session minutes, January 3, 2023;
3. **Resolution No. 2023R-01 - Accept a donation from Eagle Claw Midstream and appropriate the funds to Odessa Fire Rescue;**
4. **Resolution No. 2023R-02 - Accept a donation from Oxy Company and appropriate the funds to Odesa Fire Rescue;**
5. **Resolution No. 2023R-03 - Work with Motorola Solutions to service our Mach Alert System being used within the Fire Stations;**
6. Purchase police uniforms from GT Distributors for \$60,781.94;
7. Bid award for netting project at Ratliff Ranch Golf Links to Ace Golf Netting for \$65,200;
8. Bid award to Warrior Tank Manufacturing LLC for refuse container replacement panels and bottoms for \$145,000;
9. Bid award to Univar Solutions USA for annual sodium hydroxide for \$952,875;
10. Bid award to Lonestar Freightliner Group, LLC for the purchase of a vacuum/hydrovac truck for \$526,246.07;
11. Renew contract for benefits claims administration with AmeriBen.

Council member Hanie referenced the December 13, 2022 minutes. He stated he doesn't yell or have a reason to yell. He wanted to be addressed as Council member or Councilman but not Council person with the parade banner. He objected to the statements. Mayor Joven explained it was a matter of record and recorded into the minutes. Council member Hanie objected to the validity of the comments that were stated.

Motion was made by Council member Matta and seconded by Council member Vasquez to approve the December 13, 2022 minutes. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, Hanie, and Swanner
Nay: None

Motion was made by Council member Matta and seconded by Council member Swanner to approve the consent agenda Items 2 - 11. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, Hanie, and Swanner
Nay: None

Other

Bid award for E. 31st Street pavement reconstruction from Andrews Hwy. to N. Dixie Blvd. Yervand Hmayakyan, City Engineer, stated that the lowest bid was from Permian Paving for \$1,450,000. The purpose was to pave 17,000 square yards, replace curb and gutter, sidewalk and install alley approaches. The bid included a \$20,000 contingency for a total cost of \$1,740,000. The project would begin in a month and a half.

Motion was made by Council member Thomson and seconded by Council member Vasquez to approve the 31st. Street pavement reconstruction. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, Hanie, and Swanner
Nay: None

Renew group life insurance, AD&D coverage, and retiree life insurance with Standard Insurance Company. Delia Ortiz, Director of Risk Management, stated that the insurance was for employees and retirees. The third year renewal did not have an increase. Council member Swanner confirmed that she did not vote on the contract in December 8, 2020. Kris Crow stated it was hard to get a guarantee in the rates. He stated that the contract has been with the same company for 29 years and asked to be put to an RFP or RFQ. Ms. Ortiz stated that the City contracted with an agent of record and had contacts with different carriers. Mayor Joven stated that the same broker had limited contacts with certain companies. He stated that the insurance has not gone out for a competitive bid for 29 years. Ms. Ortiz stated that another broker could be used for the policy through an RFP. She stated it would be sent electronic via email and through local print.

Motion was made by Council member Vasquez and seconded by Council member Matta to renew the group life insurance, AD& D coverage, and retiree life insurance with Standard Insurance Company. The motion was approved by the following vote:

Aye: Joven, Matta, Vasquez, Connell, Hanie, and Swanner
Nay: None
Abstain: Thompson

Mrs. Grimaldo stated that Council member Thompson filed a conflict of interest for the item.

Casey Hallmark explained the events that took place during the lineup of the Christmas parade. She stated that Council member Hanie told her he was not an (explicit) council person but a council member. Mayor Joven stated to refrain from using the actual word. She wanted to have a conversation in private with Council member Hanie. She enjoyed her job. She wanted to meet with the Mayor and each Council member to discuss moving forward for the betterment of Odessa. She stated she was not a liar and would always stand up for herself. She was bullied by Mayor Joven, Council member Matta and Council member Swanner. She stated she was intimidated and pushed around. Council member Swanner had responded via email to contact her supervisor for the meeting. She did not refuse to meet with Ms. Hallmark. Ms. Hallmark read the received text messages from Council members Matta and Swanner. Ms. Hallmark apologized to Council member Swanner as she did not make allegations. Council member Connell was impressed with the Downtown projects. He asked that we move forward and work together. Ms. Hallmark wanted to figure a path forward as she loved her job and Odessa. She would not be quiet but use her voice and stand up for what was right. Council member Hanie stated Ms. Hallmark has lied to him and did not use that language as he was a very Christian man. Mr. Jones stated that an open investigation would be underway.

Ordinance

Prohibit parking. Hal Feldman, Traffic Engineer, stated that prohibited parking would be on the northside of Bankhead Hwy. from Faudree Road to the end of the road. Eighteen wheelers were parking in that area. Signs would be placed for enforcement.

Motion was made by Council member Swanner and seconded by Council member Thompson to approve the ordinance on first approval. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, Hanie, and Swanner
Nay: None

Resolution

Resolution No. 2023R-04 - Necessary signatures in connection with City Funds. Seth Boles, Controller, stated that the added signatures for the Interim City Manager and Assistant City Manager was for the City funds. Signatures from Michael Marrero and Cindy Muncy would be removed.

Motion was made by Council member Connell and seconded by Council member Matta to approve the resolution. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, Hanie and Swanner
Nay: None

Resolution No. 2023R-05 - Amend the 2022-23 budget and appropriate funds for professional services agreement. Mr. Bernal stated that a budget amendment would be for the T2 professional services agreement. He stated that the funds would be used from contingency funds set aside. Council member Thompson asked how much funds were available. Larry Fry, Director of Finance, would provide the information to Council.

Motion was made by Council member Matta and seconded by Council member Connell to approve the resolution. The motion was approved by the following vote:

Aye: Joven, Matta, Connell, Hanie, and Swanner
Nay: Thompson and Vasquez

Resolution No. 2023R-06 – Public safety employee pay increase. Mr. Fry handed out the updated schedules for the public safety pay increases as directed from the Council work session. He reviewed the schedule for a total cost of \$3,166,687.43. Council member Vasquez asked about the ARPA funds uses. Mr. Fry stated it would be discussed at the work session. Council member Thompson stated that the federal funds were complex in the use of the funds. He was uncomfortable in using for salaries. Mr. Jones stated that the ARPA funds could be used. Council member Vasquez stated that extreme care must be made with federal funds. Mayor Joven stated Senator Cornyn had a bill in legislation that would have no limitation with the ARPA fund uses but has passed in the Senate and would be considered in the House. Council member Thompson was in favor of the raises but was nervous using the ARPA funds.

Motion was made by Council member Swanner and seconded by Council member Matta to approve the resolution. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, Hanie, and Swanner
Nay: None

Appointment of Board: Board of Survey, Capital Improvement Advisory Committee, Downtown Odessa, Historic Preservation Commission, Midland Odessa Urban Transit District, Parks and Recreation Advisory Board, Planning and Zoning Commission, Tax Increment Reinvestment Zone, Traffic Advisory Committee, and Zoning Board of Adjustment. Motion was made by Council member Swanner and seconded by Council member Connell to make the following appointments:

Kira Bowen appointed to the Downtown Odessa, Inc.
Rick Matchett appointed to Parks and Recreation Advisory Board
Craig Stoker appointed to the Planning and Zoning Commission
John Herriage reappointed to the Tax Increment Reinvestment Zone
Charles Pierce reappointed to the Tax Increment Reinvestment Zone
Anthony Rios reappointed to the Zoning Board of Adjustment

The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, Hanie, and Swanner
Nay: None

As authorized by the Texas Government Code Section 551.071(1)(A) and 551.071(2) (Consultation with Attorney), the City Council may adjourn into executive session to:
a. Discuss pending litigation with the Interim City Attorney and the attorneys hired by the City of Odessa, Cause No. D-22-12-1462- CV, Gaven Norris v. City of Odessa; and
b. Discuss personnel matters as authorized by the Texas Government Code Section 551.074(a)(2) (Personnel Matters), with the Interim City Attorney and attorneys hired by the City of Odessa to conduct investigations to hear complaints or charges against employees. Motion was made by Council member Swanner and seconded by

Council member Connell to go into executive session under 551.071(1)(A), 551.071(2) and 551.074(a)(2). The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, Hanie, and Swanner
Nay: None

Mayor Joven stated no action was taken in executive session.

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

Aye: Joven, Matta, Thompson, Vasquez, Connell, Hanie, and Swanner
Nay: None

Motion was made by Council member Swanner and seconded by Council member Connell to adjourn the meeting. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, Vasquez, Connell, Hanie, and Swanner
Nay: None

The meeting adjourned at 7:44 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor