



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

February 8, 2022

On February 8, 2022, 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; 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:

The invocation was given by Pastor Tim Halstead, New Life Church, and followed by the Pledge of Allegiance and Texas flags.

Citizen's comments on non-agenda items. Tim Harry asked Council's integrity, grace, and ethical leadership. He stated the City had a contract with STA for \$155,000. He played a section of the December 8, 2020 Council meeting regarding the approval of the STA contract in which he stated that Council member Thompson did not abstain. He reviewed Council member Thompson's conflict of interested form filed December 11, 2020 and December 7, 2021 for a three year contract. He played a quote from Council member Thompson from the January 11, 2022 council meeting. He stated that Council member Thompson was listed as President under the Secretary of State and the Better Business Bureau. Dallas Kennedy stated that Council member Thompson's son and daughter work for STA. He read the Texas Local Government Section 171.002 section on conflict of interest related by blood. He played a quote from Council member Willis from the January 11, 2022 meeting. Kris Crow played a quote from Council member Sprawls from the January 11, 2022 meeting. Mr. Crow asked if Council were ethical leaders or hypocrites. He stated that a community leader was removed from a board based on perception of impropriety. He stated for Council member Thompson and Council to do the right thing. He called on the citizens to do the right thing.

CONSENT AGENDA ITEMS

- A. City Council work session minutes, January 18, 2022;
- B. City Council minutes, January 25, 2022;
- C. City Council work session minutes, February 1, 2022;
- D. **Resolution No. 2022R-08 - Accept funds for the City of Odesa Police Department from the 2022 HIDTA grant for \$29,300.**

Motion was made by Council member Sprawls and seconded by Council member Willis to approve the consent agenda items. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, White, Sprawls, Willis, and Swanner

Nay: None

OTHER COUNCIL ACTION

Bid award for Estancia Blvd. paving project from 56th St. to Hwy. 191. Yervand Hmayakyan, City Engineer, stated that the purpose of the project was to construct a 40 feet wide curbed roadway with streetlights. The road would provide an additional route for Compass Academy drivers. He recommended the bid to JD King Construction for \$395,680.01. The City would recover costs associated with the right-of-way. Council member Thompson stated that area was congested and the roadway would help relieve the traffic.

Motion was made by Council member Willis and seconded by Council member Thompson to approve the bid award to JD King Construction for \$395,680.01. The motion was approved by the following vote:

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

Bid award for Faudree linear detention basin project to Onyx General Contractors for \$4,196,456.81. Tom Kerr, Director of Public Works/Utilities, stated that five basins would be built to provide temporary storage of stormwater drainage and reduce the rate of water release for flow to be more manageable. He reviewed the projections on the ponds. He recommended the bid to Onyx for \$4,196,456.81, lowering a pipeline for \$1,025,000; and a contingency of \$475,000 for a total of \$5,696,456.81. He reviewed the funds to be used for the project.

Motion was made by Council member White and seconded by Council member Sprawls to approve the bid award to Onyx and the other recommended costs for a total of \$5,696,456.81. The motion was approved by the following vote:

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

Holly Energy Pipeline reimbursement agreement for a pipeline relocation not to exceed \$273,000. Mr. Kerr stated that a pipeline crossed Faudree and it conflicted with the construction. The relocation would not exceed \$273,000. The funding would be reimbursed after completion.

Motion was made by Council member Swanner and seconded by Council member Thompson to approve the Holly Energy Pipeline agreement not to exceed \$273,000. The motion was approved by the following vote:

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

Purchase four Braun ambulances from Siddons Martin Emergency Group for \$1,507,624. Rodd Huber, Assistant Fire Chief, provided an updated engines' hours and mileage. The purchase of the ambulances would include warranty and the Stryker power loader. The build time was at least 18 months. Council member Thompson stated that the used ambulances would be sold at auction.

Motion was made by Council member Thompson and seconded by Council member Matta to approve the purchase of the ambulances. The motion was approved by the following vote:

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

Appeal from property owner of impact fees for \$40,900.62 assessed on Mardi Gras Estates, Lot 97, Block 1. Mr. Marrero stated that there was an appeal request on the impact fees. Dr. Boyapati appealed to the City Manager for the assessment of the impact fees. The development was 6,000 square feet with 2,500 square feet to be used as a dental office and 3,500 square feet to be leased out. The Impact Fee Ordinance provided for an appeal process. After the review, Mr. Marrero found no documentation meeting the terms of the ordinance showing relief from the impact fees. Dr. Yasoda Boyapati, owner, had the plan since February 2021. Her realtor was not aware of the impact fees and did not inform her of the fees. She stated that it was a huge financial burden. She provided the attached emails from her realtor and S.W. Howell but was not informed about the impact fees. Mr. Marrero stated that the impact fees were reduced from the 6,000 square feet based on the square footage and category use of the area which was a fee of \$40,900.62. He reported that a series of meetings were held with developers and the committee, a public format, and social media on impact fees. The impact fees were for the roadway and water. Dr. Boyapati explained the type of dental clinic which would be a provider for medicaid. Council member Thompson stated that the engineer should have advised her of the impact fees. Dallas Kenney stated that there were no medicaid dentist providers and it was vital for the city to have a medicaid provider. Dr. Boyapati asked to waive the \$40,900.62 impact fees. Mayor Joven stated it was the burden of proof for the property owner to provide documentation that meet the ordinance requirement for the waving of fees. He stated others have inquired about waiving the impact fees. Council member White asked about reducing the size of the dental office.

Motion was made by Council member White and seconded by Council member Thompson to deny the appeal and assess the impact fee of \$40,900.62. The motion was approved by the following vote:

Aye: Joven, Matta, Thompson, White, Willis, and Swanner
Nay: Sprawls

ORDINANCE

Changes to modify Section 12-2-7 (School Zones) of the City Code of Ordinances. Hal Feldman, Traffic Engineer, stated that the school district provided a list of proposed school zones. Mr. Feldman reviewed the proposed school zone sites. The Traffic Advisory Committee reviewed and approved the changes.

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

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

MISCELLANEOUS

Appointment of Boards: Building Board of Appeals and Odessa Development Corporation (ODC). Council member Swanner stated her appointment to the ODC board was Dr. James Kirk. Council member Thompson thanked Council member Swanner in visiting with Dr. Kirk and was well qualified to serve. Motion was made by Council member Sprawls and seconded by Council member White to appoint James Kirk to the Odessa Development Corporation. The motion was approved by the following vote:

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

Tabled - Recess for Executive Session: As authorized by the Texas Government Code Section 551.071 (Consultation with Attorney), the City Council may adjourn into executive session to: Discuss pending litigation with the City Attorney and the attorneys hired by the City, Cause No. B-20-02-0127- CV, AIM Media, Texas LLC d/b/a The Odessa American vs. City of Odessa. Motion was made by Council member Swanner and seconded by Council member Thompson to table the executive session item. 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 Swanner 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 7:04 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor



yasoda vardhani boyapati <yvardhani@gmail.com>

RE: Odessa land impact fee on 87th street land.

2 messages

yasoda vardhani boyapati <yvardhani@gmail.com>
To: Jon Brickey <jon@fivese.com>, jon@thisrealty.com

Mon, Jan 24, 2022 at 1:45 PM

Hi Jon,
Hope all is well with you. I recently came to know about the impact fee on newly replotted land in Odessa starting September 9th. I was never made aware of this while we were closing on this land.
Are you aware of it? or did the Seller agent informed you about this? Had I known this, I would have closed on it long before as we went into contract in April, 2021 itself. It is a huge unforeseen expense on my end and was curious if you know about this or not.
Thanks
Yasoda

jon@thisrealty.com <jon@fivese.com>
To: yasoda vardhani boyapati <yvardhani@gmail.com>

Mon, Jan 24, 2022 at 4:08 PM

Hello Yesoda,
That is terrible.. I did not know about that.

Jon Brickey

Sales Agent
thisREALTY
P.O. Box 7413
Midland, Texas 79708
jon@thisrealty.com
<http://www.thisrealty.com>
(432)570-0705 Ext. 4
432-413-8336 (cell)

Texas law requires all real estate licensees to give the following information about brokerage services:

<https://www.dropbox.com/s/52fyulxlc66lkat/jon%20brokers%20info.pdf?dl=0>

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RECEIVED
FEB 08 2022

BY CITY SECRETARY



yasoda vardhani boyapati <yvardhani@gmail.com>

RE: Impact Fee

2 messages

yasoda vardhani boyapati <yvardhani@gmail.com>

Mon, Jan 24, 2022 at 1:40 PM

To: Luis Aranda <l.aranda@swhowell.com>, Janie Howell <j.howell@swhowell.com>

Hi,

I came to know that there was an impact fee for the newly re plotted land in Odessa. I was never informed of this while I am working on my initial survey back in September or the replotting survey.

Is this something you folks are aware of ?

Thanks,

Yasoda

Luis Aranda <l.aranda@swhowell.com>

Thu, Jan 27, 2022 at 10:33 AM

To: yasoda vardhani boyapati <yvardhani@gmail.com>

Good morning Yasoda, as per our conversation, I am writing this email in response to your question about Impact fees.

I found out that the fee came into effect on September 9th, 2021. I submitted you application on 9/30/2021. I did inquire about the fee back in October when the Planning department mentioned it on their Platting Conference comments. Since it was a new fee, I did not know much about it and to be honest, I did not think about it too much. The engineering department could not tell me an amount when I called and they said that the fee was not collected during the platting process. I thought I had sent you the link to the city's website that addressed the fee but for some reason I did not. I thought I had talked to you about it over the phone but obviously I didn't either. I sincerely apologize for not conveying that information to you back then. This was something new and it slipped my hands. I am now aware that those fees are high, very high. I hope you get assistance in resolving this matter.

Best regards,

Luis Aranda

Administrative Assistant

S.W. HOWELL, INC.

RECEIVED
FEB 08 2022

BY CITY SECRETARY

COVID 19 Notice all clients that come to the office will be required to wear a mask. We ask that you make an appointment before you come to our office to allow us to maintain social distancing. Our Employees Safety is first and foremost. Thanks.

ENGINEERING, LAND PLANNING & SURVEYING

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