



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

March 23, 2021

On March 23, 2021, 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 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; Phillip Urrutia, Assistant City Manager; Cindy Muncy, 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 Marcos Zuniga and followed by the Pledge of Allegiance and Texas flags.

Mayor Joven recognized and presented Municipal Court with the Traffic Safety Award from the Texas Municipal Courts Education Center.

CONSENT AGENDA ITEMS

- A. City Council minutes, March 9, 2021;
- B. City Council work session minutes, March 16, 2021.

Motion was made by Council member Sprawls and seconded by Council member Matta to approve the consent agenda. 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 2021 sealcoat. Yervand Hmayakyan, City Engineer, stated that project was to sealcoat major and minor streets. The seal coat was for 6.6 linear miles. Bids were reviewed and recommended bid award to CK Newberry for \$634,514.15.

Motion was made by Council member Willis and seconded by Council member Swanner to approve the bid award as recommended. The motion was approved by the following vote:

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

Bid award for Floyd Gwin Park phase 2 renovations. Steve Patton, Director of Parks and Recreation, stated that Floyd Gwin was developed in the 1940s and no improvements have been made to the park. Designs were made and renovations for the park had a total budget

of \$8,450,000. The first phase would start construction soon. For phase 2, he recommended Onyx Construction. He reviewed the renovations that included lighted walking trails, lights, parking lot improvements, sods in new fields, restrooms, concession, and pavilions. Council member Thompson asked that the city maintain the playgrounds and fields. Mr. Patton stated that volunteers upkeep the ballfields. Mayor Joven stated that the volunteers and City staff maintained the fields. Council member Willis thanked all for working on the project. She asked that the citizens be patient during the renovation. The construction would be completed in one year.

Motion was made by Council member Willis and seconded by Council member Sprawls to approve the bid award to Onyx Construction for \$5,887,419. The motion was approved by the following vote:

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

PUBLIC HEARING

Open a public hearing to consider approval of the request by Kalina Garcia, owner, for a specific use permit to allow a beauty shop-one chair accessory use in a Single-Family-Three (SF-3) zoning district on Lot 25, Block 48, Windsor Heights Addition (3733 Crestview Dr.). Randy Brinlee, Director of Development Services, reviewed the location. He stated that this would not generate additional traffic. The permit was for a one chair beauty shop. The Planning and Zoning Commission recommended for approval with conditions. He reviewed the conditions. The Council had a right to terminate the permit with any complaints. No one came forward and the public hearing was closed.

Motion was made by Council member Matta and seconded by Council member White 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

Open a public hearing to consider approval of the request of Leeco Energy & Investment, Inc., owner, LCA, agent, for original zoning of Special Dwelling District (SPD) on approximately 4.12 ac. tract in Section 2, Block 42, T-2-S, T&P Ry. Co. Survey, Ector Co., Texas (northwest of the intersection of Wrigley Dr. and Forbes Dr.) Mr. Brinlee reviewed the location which was vacant. The purpose was to develop eight residential lots. The zoning would replace a drill site that would be an infill development. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Thompson and seconded by Council member Sprawls 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

Open a public hearing to consider approval of the request by Los Quatros Amigos, LLC, owner, & Newton Engineering, agent, to rezone from PD-O to O (approx. 8.25 ac.) Lot 37, Blk. 15, Mission Greens Estates, PD-O to SPD (approx. 1.25 ac.) Lot 38, Blk. 15, Mission Greens Estates & SPD to O (approx. 0.80 ac.) Lot 8, Blk. 1, La Estancia

Estates & for original zoning of SPD (approx. 9.6 ac.) & O (approx. 1.50 ac.) in Secs. 10 & 11, Blk. 41, T-2-S, T&P Ry. Co. Survey, City of Odessa, Midland Co., Texas (approx. 21.4 ac. total) (southeast of the intersection of Santa Isabella & Mission Blvd.)

Mr. Brinlee reviewed the location which was vacant. The purpose was to develop 16 residential lots. The housing would provide a diverse range of housing with a long-term value with the design. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Swanner and seconded by Council member Sprawls 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

RESOLUTION

Resolution No. 2021R-18 - Remove from the table to consider the Odessa Development Corporation (ODC) economic development agreement with Ellen Noel Art Museum of the Permian Basin. Motion was made by Council member Thompson and seconded by Council member Sprawls to remove the item from the table. The motion was approved by the following vote:

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

Tim Edgmon, ODC President, stated that since the inception of ODC there has been more than 3,000 jobs created. There has been a return-on-investment over 38% since inception. The Ellen Noel Art Museum applied through the Chamber and the Compliance Committee did its due diligence. The Legal Department helped with its guidance. He stated that the ODC supported the Ellen Noel project and was approved on February 11 as qualified for ODC funding. The original request was \$1.5 million but the Compliance Committee recommended \$600,000. The payments would be \$125,000 for each year for five years with the first payment due in 2022 upon compliance. He stated that elementary students get their art classes through the Museum. With the City's support, it would help the Museum obtain grants. Randy Ham, Odessa Arts Executive Director, supported the request of \$600,000 through ODC funds. He stated that the Museum was the crown jewel of the community and there were educational opportunities including the second and third graders receiving art through the Museum. The arts were viable with economic diversification. Dawn Tucker, 6209 Mecca, was against funding the museum with the sales tax dollars. She stated that the private entity should raise its own funds as it did not bring direct businesses to our city. She stated that the funds should be creating jobs not updating the arts. Ned Luscombe, 12133 E. Hwy. 158, Gardendale, stated that the city spends money in the boom and get in debt in the bust. He stated that the high taxes hurt the taxpayers. The funds should be used on debt reduction or a rainy-day fund. He knocked on doors during the campaign and many voters were disturbed on the city spending funds. Kriston Crow, 2388 Bainbridge and ODC board member, was not on the board when the ODC voted on this project. He highlighted excerpts from the TML Economic Development Handbook. The document referenced industrial manufacturing activities for 4A funds to fund specific projects. He highlighted types of uses. He stated funding a museum did not qualify. The Museum's application did not have the library and archive museum NAICS code designation. He explained the classification codes. The official Museum's designation was the museum code. Ms. Brooks stated that if the primary code was under the library and archive it would qualify. She

provided the legal advice to Council, and it was a Council decision. Mr. Crow stated that the request did not fit under the ODC guidelines and should be voted down. Ms. Brooks stated that NAICS was the North American Industry Classification System where businesses provide a self-assessment. Mr. Edgmon stated that the Museum was an archive museum as they archived artworks and kept collections. Council member Swanner stated that the documents only had the designation of one code, museum. She was uncomfortable with making the decision without the proper code assigned. Mayor Joven asked that a new application be made with the new code, send to the Compliance Committee, ODC and Council. He stated that the proper code was not on the application. He asked what the Compliance Committee approved with the wrong designation. Mr. Edgmon stated that there was no code on the application as the definition of the archive code was used. Mayor Joven stated that the law must be followed as there was no question on supporting the arts. He emphasized that it was a matter of legality and should go back through the process with the correct designation code. Mr. Edgmon stated that there was an option to approve with the condition of the funds be given with the proper code in 2022, when the first payment was due. Council member Thompson stated that it would create eight new jobs and it meets qualifications. Austin Keith, 4246 Kirkwood, reported on the history for the campaign as it was post phoned due to other circumstances. He stated it qualified as it created jobs. There has been \$2.5 million raised for the project. He stated that there was a glitch with the code, but the Museum will get the proper code. If the proper code was not designated, then there would be no funds given to the Museum. He asked the Council to vote to commit the funds.

Council member Thompson that there was history at the museum with the Tom Lea mural. Council member Matta stated that the listed code was the museum code and the purpose of the ODC 4A sales tax funds was to develop manufacturing jobs and warehousing. He stated it did not fall under the criteria. Mayor Joven stated that the Museum qualified if the primary code was an archive. Mrs. Brooks stated that the vote could have the condition of the primary code being archive. If the condition was not met, then no funds would be given. Council member Willis stated that the condition held the museum accountable. Council member Matta suggested to show support of the City for the Museum to get grants by providing some funding through the Hotel Motel tax. Kristi Reese, 4675 Oakwood Dr., was the Museum Librarian. She provided her background and stated that the Museum cataloged and functioned as an archive and library. She explained the history of libraries, museums, and archive and how it as evolved into an umbrella.

Motion was made by Council member Thompson and further clarified by Ms. Brooks including the NAICS Code 519120, and Council member Thompson accepted the clarification, and it was and seconded by Council member Sprawls to approve the resolution subject to the Ellen Noel Art Museum obtaining the proper NAICS code 519120 as the primary libraries and archive. Council member Sprawls stated that if it met the code, it should not be difficult. Council member Thompson called the question.

The motion was approved by the following vote:

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

MISCELLANEOUS

To consider, discuss and take any necessary action regarding any and all issues related to COVID-19. Mayor Joven stated that there were migrant facilities in Midland and Pecos housing the migrant minors. In Midland, there were 52 positive COVID cases from the migrant minors. He stated the facilities would get to capacity and would continue to expand. The COVID minors could go to the hospitals for treatment which would affect the JRAC numbers. He encouraged to share information when known.

Appointment of Boards. No action.

Citizen's comments on non-agenda items. Billy Cleaver, 417 Washington, provided information to the Council. He received a notice of weed and vegetation from Community Development. He reviewed the Code of Ordinances Section 6-5-7 Notice of violation. He stated that the section conflicted with each other.

K.S. Paul, 2807 Keystone, stated as a taxpayer he should be treated properly. He stated that Building Inspection has treated him bad and has harassed him on a bathroom permit. He showed the number of inspections not passed and had to pay for each additional inspection after the three free ones. He stated that the inspectors do not want to help with advice on how to pass the inspection. Mayor Joven stated a meeting would be set up.

Motion was made by Council member Sprawls and seconded by Council member Willis 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 7:42 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor