



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

**April 11, 2023**

On April 11, 2023, a regular meeting of the Odessa City Council was held at 6:00 p.m. in the Council Chambers, 5<sup>th</sup> floor, City Hall, 411 W. 8<sup>th</sup>, 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: Norma Aguilar-Grimaldo, City Secretary; Agapito Bernal, Interim City Manager; Dan Jones, Interim City Attorney; 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 Larry Powell, Embassy Christian Ministries, and followed by the Pledge of Allegiance and Texas flags.

**Proclamations, Presentations and Awards.** Mayor Joven presented a proclamation for National Public Safety Telecommunications Week.

**Citizen's comments on non-agenda items.** No comments.

**Consent Agenda**

1. City Council minutes, March 28, 2023;
2. City Council Work Session minutes, March 28, 2023;
3. Purchase remaining scheduled desktop/laptop replacements for 2023 fiscal year for \$119,508.65;
4. Purchase replacement of technology equipment in public safety vehicles for \$425,265 from GTS Technology Solutions;
5. Renew Motorola Premier One Software for \$313,486;
6. **Resolution No. 2023R-23 - Bid award to Linx Bar and grill for food and beverage management at Ratliff Ranch Golf Course.**

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

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

**Public Hearing**

**Open a public hearing to consider approval of the request by Claudio Rodriquez, owner, for a specific use permit to allow workforce housing in a Light Industrial (LI) District on Lots 24, Block 5, West Interstate Industrial Site 3-41 City of Odessa, Ector County, Texas (2135 I-20 Service Rd. W.).** Maria Prieto, Planner, reviewed the location. The permit would allow workforce housing in a Light Industrial District. She reviewed the

conditions. The Planning and Zoning Commission recommended for approval. The Fire Marshall reviewed the conditions. She stated that the condition of occupancy shall be limited to one person per bedroom at the same time. A condition of the workforce housing time frame was added. No one came forward and the public hearing was closed.

Motion was made by Council member Matta and seconded by Council member Thompson to approve the ordinance on first approval with the two modifications of number 5 and adding condition number 11. The motion was approved by the following vote:

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

**Open a public hearing to consider approval of the original zoning request by Leeco, Inc., owner, LCA, agent, for Light Commercial (LC) on the proposed plat Yukon Ridge Commercial, 1st Filing being a 8.50 acre tract in Section 2, Block 42, T-2-S, T & P RY Co. Survey, City of Odessa, Ector County, Texas. (Southwest of E. Yukon Rd. and N. Grandview Ave.).** Ms. Prieto stated that the purpose for the zoning was to provide for light commercial 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 Swanner 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, Vasquez, Connell, Hanie, and Swanner  
Nay: None

**Amend certain sections of the City of Odessa Personnel Policies and Procedures Manual.** Mr. Jones stated that Sections 4, 5 and 6 of the Personnel Policies and Procedures Manual were previously adopted but were not approved by the Council. He reviewed the five amendments.

Motion was made by Council member Swanner and seconded by Council member Connell to approve the ordinance approving Section 5.105 Pandemic Leave Policy, Section 6.102 Illegal Harassment, Section 6.103 Drug and Alcohol Policy, and Section 6.103a Drug and Alcohol Policy of the U.S. Department of Transportation on first approval. The motion was approved by the following vote:

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

### Miscellaneous

**Odessa Fire Rescue Hazing investigation presentation and findings.** Tommy Sheen, Attorney, reported the findings on the Fire Rescue hazing investigation from August 2022. He explained the findings and showed pictures of blistered and burned hands from the cadets. He provided the background on the four days of hazing/punishment. He stated that the intent of the cadet program was used as a retention tool to hire and train firefighters and EMTs but it was not the intent. He accounted each day of the incident. He stated that the cadets sat in a conference room most of the day unsupervised to study for class work and one hour of physical training a day. A standardized curriculum did not exist. Mr. Sheen accounted a summary of the eight cadets' claims which days one and two were the same accounts. Days three and four had variations of the accounts and was inconclusive. A Fire

Rescue investigation was done by John Alvarez, former Fire Chief, and Saul Ortega, former Assistant Chief. No one from Human Resources, the City or City Attorney's office were initially aware of the incidents. Fire Rescue did not request the services of Human Resources to assist in the investigation. Mr. Alvarez took to advisement on Human Resources objecting to the lack of severity in punishment. Mr. Sheen stated that Fire Rescue siloed itself in this investigation and there was no assistance or oversight from other departments. The cadets were not aware of how to report an injury or grievance. He stated that Fire Rescue did not provide a comprehensive report and findings of the investigation to Human Resources, City Attorney or City Manager or if any corrective measures, policies or changes were made. Mr. Sheen would be submitting a supplemental report. He stated that there was a systematic breakdown with the cadet program.

**Discuss and consider posting the City Attorney's job position using T2 Professional Consulting.** Council member Swanner stated that the City Attorney position be filled with Dan Jones.

Motion was made by Council member Swanner and seconded by Council member Connell to appoint Dan Jones to City Attorney. Council member Matta asked for the cost of T2. Mayor Joven stated it has not been discussed with T2. Mr. Jones gave an overview of his experience. He has been with the city over four years, a District Attorney in Mississippi, school board attorney, and a City Attorney. He has done municipal work in the public sector.

The motion was approved by the following vote:

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

**Resolution No. 2023R-24 - Appoint a replacement for Hal Feldman on the Ector County-Odessa Joint Airport Zoning Board.** Motion was made by Council member Matta and seconded by Mayor Joven to appoint Council member Swanner. The motion was approved by the following vote:

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

**Appointment of Board: Animal Shelter Advisory Committee, Historic Preservation Commission, Midland Odessa Urban Transit District, and Planning and Zoning Commission.** No action.

**Executive Session – As authorized by the Texas Government Code, Section 551.101, the City Council will hold an executive session, which is closed to the public, to discuss the following matters permitted under the following section of the Texas Government Code: Section 551.071(1)(A), Consultation with the Interim City Attorney and attorney(s) employed by the City of Odessa to discuss, Cause No. 11-22-00052-CV, AIM Media, Texas LLC d/b/a The Odessa American vs. City of Odessa, Texas.** Motion was made by Council member Matta and seconded by Council member Thompson table the executive session under 551.071(1)(A) until two weeks. 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 7:18 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Javier Joven  
Mayor