



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

April 12, 2022

On April 12, 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 Cliff De Armond, Hope Alive Church, and followed by the Pledge of Allegiance and Texas flags.

Citizen's comments on non-agenda items. Cliff De Armond invited everyone to the Day of Prayer event on May 5 at 7 p.m. at the MCM Fun Dome for unity and prayer. Council member Willis introduced Anthony Bolton who was working on a Doctorate of Public Policy.

CONSENT AGENDA ITEMS

- A. City Council minutes, March 22, 2022;
- B. City Council work session minutes, April 5, 2022;
- C. **Ordinance No. 2022-06 – Request by Joshua Olliff, owner, Newton Engineering, agent, for original zoning of Retail (R) on a 1.11 acre tract in Section 8, Block 41, T-2-S, T&P RR Co. Survey, City of Odessa, Ector County, Texas (southeast of the intersection of NE Loop 338 and E. 56th St.);**
- D. **Resolution No. 2022R-19 – Public Consulting Group, Inc. contract amendment No. 1;**
- E. Purchase a Panther air compressor from Hoyt Breathing Air Products for \$58,578;
- F. Purchase eight MSA G1 SCBA's from Casco Industries for \$69,240;
- G. Purchase 20 portable radios for new fire stations from Motorola Solutions for \$221,047.45;
- H. Purchase 35 replacement sets of new bunker gear from Metro for \$106,750;
- I. Purchase 18 new sets of bunker gear from Metro for \$54,450;
- J. Purchase six outfitted fire package Tahoes and equipment from Siddons-Martin for \$423,907.

Motion was made by Council member Willis and seconded by Council member Thompson to approve the minutes with an amendment to the work session minutes. 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 Swanner 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

RESOLUTION

Resolution No. 2022R-20 – Budget amendment for a mid-year review of employee compensation. Mr. Marrero stated that the costs of services were going up. He provided proposed compensation adjustments. A compensation analysis will be done. He stated if percentage was provided then Council may hold off in October or if a one time was given then a percentage increase could be given in October. Council member Swanner favored a one time \$1,750 to all full time employees. Council member Matta supported the same and address in October. Council member Thompson stated that there was no raise in 2020 and inflation has increased. He recommended a 4% raise, a one time of \$1,250 and a compensation study. Council members Swanner and Matta were in favor of the recommendation. Council member White was concerned with no potential increase in October. She favored a 5% to sworn police officers and firefighters and 3% to other full time employees and a one time payment of \$1,200 but was not opposed to negotiation. Council member Sprawls stated it would add \$3 million to the budget with a 4% across the board and a one time payment. He stated that care was needed with the taxpayer's money. Mrs. Muncy stated that sales tax was up. The budget was conservative. If there was no drastic downward change in property tax then it would be good. There were 199 vacancies. Council member Willis supported a 4% to all employees and the one time payment of \$1,250. Mr. Marrero stated that appropriate adjustments could be made with the salary survey. Council member Willis stated that the proposed compensation adjustment did not include Council Appointees. Mr. Marrero stated an RFP was being developed for the study. There were 1,031 full time employees budgeted. Council member Thompson suggested a 2% or 3% for Council Appointees until the salary survey. Mayor Joven stated that the Appointees would be considered in their evaluation.

Motion was made by Council member Thompson and seconded by Council member Matta to approve the resolution, provide a 4% to all full time employees including vacancies and a one-time payment of \$1,250 no vacancies, except for the Council Appointees. The motion was approved by the following vote:

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

Council member Swanner left the meeting at 6:27 p.m.

OTHER COUNCIL ACTION

Tabled - Discuss and approve amendments to “Article 4-17 Video Gaming” Mayor Joven reviewed the proposed video gaming amendments. Council member Matta stated that the hours operation discussed Sunday through Thursday and Friday through Saturday. The Texas Second Court of Appeals ruled an opinion that 8-liners machines were

unconstitutional. Ms. Brooks stated that the City of Fort Worth verses Rylie deadline to file a motion for a rehearing was May 2. The ruling was out of our jurisdiction. Mayor Joven stated that the State Constitution was narrow and definitive with lottery which allowed for ping pong, bingo, and raffle. He stated that a municipality could apply the Texas Constitution. He stated a stop and desist could be done. He stated that the Council had the ability to regulate the premise, stop and remove the illegal game room machines. Council member Willis asked at what level the Police would enforce and if they would be taken away from the higher level crimes as there were vacancies. Mayor Joven stated that the machines could not fall under the amusement machines and were illegal and unconstitutional. The City was taking fees for permits and licensing. He stated that the Police Department could confiscate the machines inside the city limits. Ms. Brooks read the footnote from the Fort Worth versus Rylie ruling. Mayor Joven stated that the machines could not operate under the strict code. The opinion did not prohibit or limit the municipalities. Council member Thompson was concerned in collecting funds for the unconstitutional machines. If the City had the machines it was not following the law. He stated that his constituents did not like the game rooms. Monique Wimberly, Senior Assistant Attorney, provided the definition of an 8-liner. Ms. Brooks stated that under Penal Code 47, it could be enforced without an ordinance. Mayor Joven stated it provided authority to confiscate the machines and the Police Department could be instructed to seize each machine. Ms. Wimberly stated that there was a process to seize the machines. She explained unconstitutional and illegal terminology. She stated that the 8-liners were a game of chance which was illegal under the Constitution. Council member Matta suggested to add prohibiting the 8-liners to the ordinance. Mayor Joven stated that the game rooms were destroying lives and families and action needed to be taken. The State Constitution was definitive on gambling and the rules should be followed.

Motion was made by Council member White and seconded by Council member Sprawls to table the item until the work session to consider the options. The motion was approved by the following vote:

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

Larry Robinson had no interest in the game rooms but was concerned for the people. He appreciated the fortitude in pursuing the task of the game rooms. He provided two suggestions on the amendments. He appreciated and commended the Council.

Discretionary service agreement and funding for work required of Oncor of the Water Treatment Plant rehabilitation and miscellaneous upgrades project. Tom Kerr, Director of Public Works/Utilities stated that the Oncor agreement would provide for setting a new transformer and switchgear at the Water Treatment Plant. The funds were from the 2021 Certificates of Obligation.

Motion was made by Council member Thompson and seconded by Council member White to approve the Oncor service agreement. The motion was approved by the following vote:

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

Council member Matta was away from the Chamber during the vote and returned.

Public artwork designs for Fire Station #6, Animal Control and the Lee Street Building complex. Randy Ham, Odessa Arts Executive Director, reviewed the three art piece

designs for Fire Station #6, Animal Control and the Lee Street Building.

Motion was made by Council member Willis and seconded by Council member Sprawls to approve the three artwork designs as recommended. The motion was approved by the following vote:

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

ORDINANCE

Amend the Odessa City Code Article 6-9 Ambulances; providing a definition of Hardship Assistance, adding a reduction to ambulance service fee with approved Hardship Assistance; and providing authority to create a Hardship Assistance Policy and Procedure. Agapito Bernal, Director of Billing & Collection, stated that the amended language allowed to capture funds left from the uninsured EMS services. Council member Thompson stated that \$5 million could be recouped from lost revenue. He asked the amount for outside the County. Mrs. Muncy provided EMS runs for the County and City. Last year, there were 1,462 runs to the County. Mr. Bernal stated that the process collected funds for Fire Rescue.

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, and Willis
Nay: None

Amend the Odessa City Code Chapter 1 relating to Boards, Commissions and Committees. Mrs. Grimaldo stated that the changes were housing changes that included added language to the Odessa Development Corporation to be consistent with the Bylaws, Articles of Incorporation and statute. Ms. Brooks stated there were no changes with the added language but was for consistency with the Articles of Incorporation.

Motion was made by Council member Sprawls 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, and Willis
Nay: None

MISCELLANEOUS

Appointment of Boards. No action.

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

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

The meeting adjourned at 7:30 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor