



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

April 13, 2021

On April 13, 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; Mari Willis, District Five; and Denise Swanner, At-Large.

Council member absent: Tom Sprawls, District Four.

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 Rev. Karin Carlson, First United Methodist Church, and followed by the Pledge of Allegiance and Texas flags.

Mayor Joven presented a proclamation for National Public Safety Telecommunicators Week.

CONSENT AGENDA ITEMS

- A. City Council minutes, March 23, 2021;
- B. City Council work session minutes, April 6, 2021;
- C. City Council workshop minutes, April 8, 2021;
- D. **Ordinance No. 2021-09 - 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.);**
- E. **Ordinance No. 2021-10 - 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.);**
- F. **Ordinance No. 2021-11 - Request by Kalina Garcia, owner, for a specific use permit to allow a beauty shop-one chair accessory use in a Single-Family-Three (SF3) zoning district on Lot 25, Block 48, Windsor Heights Addition (3733 Crestview Dr.);**
- G. Purchase the records management system for the Police Department from Axon Records for \$509,870;

- H. Annual renewal of Motorola/Premier One software for \$298,642;
- I. Purchase an airvac exhaust system from Airvac for \$158,251;
- J. Purchase a new fire truck from Siddons Martin for \$703,797.

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

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

OTHER COUNCIL ACTION

PUBLIC HEARING

Resolution No. 2021R-19 - Open a public hearing and consider a resolution to approve the Land Use Assumptions (LUA) and Impact Fee Capital Improvements Plan (IF CIP) associated with the possible future adoption of impact fees. Thomas Kerr, Director of Public Works/Utilities, stated that the Land Use Assumptions and Capital Improvements were developed for the Impact Fee Study. He introduced Kimley-Horn representatives John Atkins and Jeff Whitacre for the presentation. Mr. Whitacre reviewed the adoption and the impact fee processes. He recapped the municipal funding mechanism for infrastructure which was to be used to serve growth. The fee was a one-time fee for future development to recover infrastructure cost. The four allowable fees were roadway, water, wastewater, and drainage. Mr. Whitacre reviewed the allowable items to be paid using impact fees. All uses must be related to growth such as expansion of capacity for roadways or water lines. He stated that it could pay down debt. He reviewed the existing land use and the land use types. Overall, residential was 52.6%, non-residential was 34.2% and public right-of-way was 13.2%. The projected community wide growth rate was 1.3%. Mr. Whitacre identified the service areas that were roadway, water and wastewater. The funds must be spent within ten years. Roadway expenditures were restricted within city limits. The water and wastewater projects could be in the area projected in the land use assumptions and master plans. The Impact Fee CIP focused on system improvements which had 25 water projects and 20 wastewater projects identified. The roadway had three service areas that had new projects, widening projects, intersection projects and corridor study. He reviewed the schedule which had the adoption of the impact fee ordinance on June 22. The Capital Improvement Advisory Committee was discussing the fees. John Landgraf, 521 N. Texas, Committee chair, requested that Council adopt the study and Impact Fee CIP. There would be public meetings with the developers and stakeholders to get input. Chris Berry, Betenbough Homes, appreciated the Committee reaching out to the developers. He worked with Midland and Lubbock on impact fees. He wanted to provide his expertise as there were a lot of aspects that were beneficial. He encouraged that the Committee use a creative strategy and not implement the maximum impact fee amount. No one else came forward and the public hearing was closed.

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, White, Willis, and Swanner
Nay: None

ORDINANCE

Establish speed limits, reduced speed school zones and prohibited parking zones. Hal Feldman, Traffic Engineer, reviewed the speed limits which included Yukon Road and Mission Boulevard and the school zone at Hayes Academy for 20 MPH. He proposed prohibited parking zones at West County West, Yukon and Faudree. The Traffic Advisory Committee approved the recommendation. He provided the locations of the prohibited parking on Yukon and County Road West. Council member Thompson had a concern with not having an established school zone on Yukon as people may drop off students on both sides of street. Mr. Feldman reviewed the preliminary layout of the school and the drop-off was on the school property. He worked with the school for determination if a school zone was needed.

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

RESOLUTION

Resolution No. 2021R-20 – Incentive offer and future economic development agreement between the Odessa Development Corporation (ODC) and Nacero (Project Watson). Wesley Burnett, Chamber Economic Development Director, stated that Nacero submitted an application and the Compliance Committee reviewed its due diligence. The ODC recommended a ten-year grant for \$20 million. It would be paid out \$2 million a year if it met its specific measures and benchmarks. The final agreement would be considered for Council consideration.

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

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

Council member Thompson thanked the ODC board, the Compliance Committee and Mr. Burnett for the hard work as it was an exciting project.

Resolution No. 2021R-21 - Addendum to the second amended economic development agreement between the Odessa Development Corporation and Permian Basin Food Bank, Inc. d/b/a West Texas Food Bank. Tim Edgmon, ODC President, stated that funds were approved for funding a freezer to the West Texas Food Bank. The freezer's cost was underbudget. The ODC recommended that the remaining funds be used to purchase other items to assist the West Texas Food Bank.

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

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

Resolution No. 2021R-22 – Newton Engineering, PC professional services agreement for the design of Dixie Boulevard reconstruction. Mr. Feldman stated that the professional services agreement was with Newton Engineering to reconstruct the design of Dixie from 46th St. to the city limits. The cost was \$59,250. The crown evaluation was for the portion that was inverted. The construction time was 12 to 18 months.

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

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

Resolution No. 2021R-23 – Kimley-Horn and Associates, Inc. professional services agreement for the design of the linear detention ponds for Faudree Road.

Mr. Feldman stated that the professional services agreement with Kimley-Horn was for the design of the linear detention pond for Faudree Road. The cost was \$321,000 which would have a cost savings of \$2 million to \$4 million in the Faudree Road project. Council member Thompson stated that the drainage was across P Bar and it flowed across the road. He stated that the shape of the ponds be built as needed for the future City park.

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

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

Resolution No. 2021R-24 – Authorize the conveyance of Lots 2-12, Block 1 and Lots 1-22, Block 2, Blackshear Stadium Addition, 2nd Filing to Odessa Housing Finance Corporation. Mr. Urrutia requested that land at Fitch Avenue and Avenida de Mexico be conveyed to the Odessa Housing Finance Corporation. There would be 33 workforce housing units built. The City provided water and sewer infrastructure and constructed the road. The Odessa Housing Finance Corporation would continue the construction process.

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

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

MISCELLANEOUS

To consider, discuss and take any necessary action regarding any and all issues related to COVID-19. No comments.

Appointment of Boards. No action.

Citizen's comments on non-agenda items. No one came forward.

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 consider pending or contemplated litigation. Motion was made by Council

member Thompson and seconded by Council member Willis to go into executive session under 551.071. The motion was approved by the following vote:

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

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

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

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

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

The meeting adjourned at 8:20 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor