



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

April 27, 2021

On April 27, 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 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; 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 Dawn Weaks, Connection Christian Church, and followed by the Pledge of Allegiance and Texas flags.

Mayor Joven presented the Arts Appreciation Month proclamation.

CONSENT AGENDA ITEMS

- A. City Council retreat minutes, April 8-9, 2021;
- B. City Council minutes, April 13, 2021;
- C. City Council work session minutes, April 20, 2021;
- D. City Council workshop minutes, April 22, 2021;
- E. **Ordinance 2021-12 - Establish speed limits, reduced speed school zones and prohibited parking zones;**
- F. **Resolution 2021R-25 - Odessa Police Department to accept and appropriate funds for overtime reimbursement;**
- G. **Resolution 2021R-26 – Enter into a Memorandum of Understanding with the University of Texas of the Permian Basin;**
- H. **Resolution 2021R-27 – Remove unsafe structure at 841 Barrett;**
- I. **Resolution 2021R-28 – Tax Increment Reinvestment Zone No. 1 Board of Director’s recommendation of Craig Stoker as chairperson;**
- J. Purchase technology from CDW-G for the Police Department’s new Training Facility for \$131,505.13;
- K. Purchase virtual training technology from VirTra for the Police Department’s new Training Facility;
- L. Purchase technology/furnishings for the Police Department’s new Training Facility from National Business Furniture for \$144,221.31;
- M. Upgrade infrastructure and air conditioning units for datacenters;
- N. Bid award to FEHRS Construction for the installation of new outdoor lighting at Sherwood Aquatic Center.

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

to remove Item N. from the consent agenda. 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 Sprawls to approve the consent agenda items A - M. The motion was approved by the following vote:

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

Bid award to FEHRS Construction for the installation of new outdoor lighting at Sherwood Aquatic Center. Steve Patton, Director of Parks and Recreation, reviewed the lowest two bids. There was an option for an award to a local bid. He recommended FEHRS Construction for \$98,500. The second lowest was Hawkins Construction for \$99,970. He was concerned with the delivery time of the materials.

Motion was made by Council member Thompson and seconded by Council member Matta to award the bid to Hawkins Construction for \$99,970. Council members Thompson and Matta wanted to use local companies when possible as there was a return to the community. The motion was approved by the following vote:

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

OTHER COUNCIL ACTION

Design concept and funding for the Oscar Alvarado sculpture for the new Police Department Training Facility. Randy Ham, Odessa Arts Executive Director, thanked the Council for the continued support for the Arts. The Public Art Committee recommended the Oscar Alvarado sculpture outside the Police Training Facility. The budget was \$30,000.

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

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

Use Keeley Musgrave and Michael Shields for the artwork on Fire Station #9. Mr. Ham stated that that the artwork was stained glass for an entry way at the Fire Station #9. Keeley Musgrave was honoring her firefighter father by donating a stained glass for another entrance. The \$30,000 budget was under budget with the donation of Ms. Musgrave.

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

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

Contract award to MW Builders of Midland for the Fire Station #6 construction. Saul

Ortega, Assistant Fire Chief, recommended that MW Builders be awarded to construct Fire Station #6. The funds were from the 2019 certificates of obligation. Council member Willis stated Odessa will be proud of the Fire Station and thanked staff for their work.

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

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

Bid award of the sanitary sewer line “P” and construction to McKee Utility contractors, Inc.

Tom Kerr, Director of Public Works/Utilities stated that the design cost was estimated at \$25 million and there was \$30 million earmarked from the Pioneer Funds. Sewer Line P would be for the growth in the Northeast. The lift station was reaching at full capacity. He reviewed the bids. The contract included liquid damages of \$2,000 a day. He recommended the second lowest bid of McKee Utility Contractors for a total bid of \$18,528,078. It included a 20% contingency cost which was \$3,088,013. Mayor Joven asked about the \$30 million earmarked funds when the bids were \$15 million. Mr. Kerr explained that there has been a higher amount with bids as the pricing was up 40% to 50%. McKee had its own personnel and would not need subcontracting. The line would be located in Midland County. If they did not meet the 450 working days, the damage was \$2,000 a day until they finished. Weather days were included and would be determined by the City. Mr. Kerr reviewed in detail the bid process. Mayor Joven stated that the change orders could exceed the budget. John Landgraf, LCA Engineer, stated that there were recently high costs and the materials were high. He explained the cost savings in the pipe. Mrs. Muncy stated that Pioneer funds have been received since 2015. Some of the funds were used to pay for the design and engineering on the Water Treatment Plant. She reported that the funds come in annually. The available funds from the Line P were not committed.

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

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

PUBLIC HEARING

Resolution 2021R-29 - Open a public hearing to consider approving the guidelines and criteria governing Tax Abatement in Reinvestment Zones and Enterprise Zones and election to continue eligibility to participate in tax abatement. Jan Baker, Senior Assistant Attorney, stated that state law required the guidelines on tax abatement adoption every two years for economic development. The Tax Incentive Committee recommended the guidelines. No one came forward and the public hearing was closed.

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

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

RESOLUTION

Kimley Horn professional services agreement for a Downtown Master Plan. Mr. Urrutia stated that the TIRZ board recommended Kimley Horn to update the Downtown Master Plan for \$112,000 which would be funded out of the TIRZ fund. Ivan Gonzalez, Kimley Horn, stated that there was progress from the 2016 Downtown Master Plan that included commercial activity, urban living and continued infrastructure improvement. He reviewed the four phases of the plan. The timeline for completion was 10 – 12 months with updates throughout the process. The stakeholders would be identified which included the medical sector. Craig Stoker, TIRZ Chair, stated that the function of the TIRZ board followed a set of rules. TIRZ would consider the upgrades in infrastructure, projects in using the TIRZ funds and make a footprint on Downtown. Mr. Urrutia stated that a finance plan was established for allocation of funds. Council member Matta stated that there were many master plans for the City in different areas. He asked to implement changes to bring life in Downtown as the plan was not that old. Mr. Stoker stated an update was needed to build on the plan and establish a roadmap. Council member Willis stated that the plan would define and keep focus for Downtown. Council member White agreed that a roadmap was needed for the Downtown and seek the stakeholders input. Mayor Joven stated that the 2016 plan would be part of a carry over and there should be utilization of the adopted plan. He asked for the 2016 plan accomplishments and if the Master Plan would address issuing debt. Mr. Urrutia stated that there was no intent to issue debt. Mr. Marrero stated that there were no discussions on intent of issuing TIRZ debt. The plan would address options, set goals and lay out the plan. Mayor Joven asked if the Master Plan would address debt for either now or the future. Mr. Gonzalez stated that engagement with the stakeholders would be needed to determine it that would be addressed. Kriston Crow, 2388 Bainbridge, asked about the current TIRZ balance, how long the 2016 plan took to complete and if the updated plan would be outdated once it was complete. Mr. Urrutia reported that the fund had over \$113,000. Mr. Crow stated it was a waste of money and suggested to review the 2016 plan. He stated that there was a proposed list with a projected cost of \$52 million.

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

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

Council member Sprawls asked if the item could be tabled. He stated that there was no reason not to go forward with the plan and not dissolve it. The motion failed and staff could propose at a future meeting.

Resolution No. 2021R-30 – Deny Oncor’s application for approval to amend the Distribution Cost Recovery Factor in increase the distribution revenue within the City. Mr. Urrutia stated that the request was to deny Oncor’s application for a rate increase of \$97 million over its service locations. The Steering Committee was composed of 122 member cities. The consultant’s cost was \$50,000 for the City of Odessa and was paid by the rate payers. The committee would address the power and the aging infrastructure to be replaced.

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

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

MISCELLANEOUS

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

Appointment of Boards. Motion was made by Council member Swanner and seconded by Council member White to appoint Heather Silvia to the Animal Control Advisory Board. The motion was approved by the following vote:

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

Citizen's comments on non-agenda items. None.

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 litigation. Reconvene in open session for possible action. Motion was made by Council member Sprawls and seconded by Council member Thompson to go into executive session under 551.071. 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 Matta and seconded by Council member Sprawls to return from executive session. 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 Sprawls and seconded by Council member Matta to provide a settlement of \$85,000 on Claim C-20-10-1005-CV and authorize the City Manager to sign the necessary documents. 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

Council Minutes
April 27, 2021
Page 6

The meeting adjourned at 7:36 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor