



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

**May 9, 2023**

On May 9, 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, 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 Daniel Perez, Odessa Bible Church, and followed by the Pledge of Allegiance and Texas flags.

**Proclamations, Presentations and Awards.** No presentations.

**Citizen's comments on non-agenda items.** Michael Pam had two dogs picked up by the animal shelter. He was required to get them neutered and spayed. He neutered one dog but asked if the other dog could be released without it being spayed.

**Consent Agenda**

1. City Council minutes, April 25, 2023;
2. City Council Work Session minutes, April 25, 2023;
3. Reject the bids for the remodel of the Odessa Police Department's first floor men's and women's restroom.

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

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

**Regular**

Motion was made by Council member Thompson and seconded by Council member Hanie to suspend the rules. 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 Thompson and seconded by Council member Swanner to move Item 10 regarding the Wilson and Young resolution to Item 1. The motion was approved by the following vote:

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

**Resolution No. 2023R-27 – Support naming State Highway Loop 338 and its intersection with Ector-Midland County Line as the Mac Wilson and Rex Young Medal of Honor Highway.** Council member Vasquez stated that Steve Oien, Commander of Chapter 0900, Military Order of the Purple Heart, South Plains of Texas, worked with Representative Landgraf to have a portion of HWY 20-E designated as the Wilson and Young Medal of Honor Memorial Hwy. A resolution of support was requested from the City. Mr. Vasquez stated that it was a distinct honor of Odessa's two Medal of Honor Recipients Mac Wilson and Rex Young. Mr. Oien stated that Mac Wilson and Rex Young were Marines and sacrificed their life for others to live.

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

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

**Resolution No. 2023R-30 - Proceed to final application for three TxDOT 2023 transportation alternative projects.** Tom Kerr, Director of Public Works/Utilities, stated that three projects were eligible for a grant application for alternate transportation. The City has transportation credits that covered the 20% match and would fund the project with reimbursement by TxDOT upon completion. The projects were 87<sup>th</sup> St. sidewalk, Sherwood Park pedestrian signals and Wildcatters Trail.

Motion was made by Council member Matta and seconded by Council member Swanner to proceed to final application for the three TxDOT projects. The motion was approved by the following vote:

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

**Discuss and consider possible action on the Downtown project of the gateway locations between 3<sup>rd</sup> and 5<sup>th</sup> St. for the KDC professional services agreement.** Kelly Cook, KDC, stated that the contract was mailed on November 17, 2022. He was notified mid-January by former Downtown Odessa Director Casey Hallmark to pause services until the political situation was resolved. The work done was done within the time frame. He needed City direction on the project. A committee, consisting of John Herriage, Craig Stoker, Casey Hallmark, Steve Patton, Hal Feldman, Michael Marrero and Phillip Urrutia, met to discuss the RFQ. The members discussed the possibilities of the funds being spent efficiently. He recommended Jackson St, as the festival street. The Committee felt it was the most efficient use of the \$6.5 million for the two blocks. Texas Street was discussed but due to the two year build out, it would be detrimental to the businesses. Council member Swanner asked about the minutes. Mr. Cook did not know if there were minutes and stated that paused meant indefinitely. Mayor Joven asked what was the political situation. Mr. Cook stated the Ms. Hallmark paused the services with a phone call. He reached out to Aaron Smith on February 2 and February 17 to Elizabeth Prieto for direction. He provided dates to meet with Ms. Prieto. He assumed in contacting Mr. Smith. Mayor Joven stated that TIRZ went forward with the \$87,000 feasibility study which he was opposed to the study. He stated that DOI did not report to the board but to the City Manager. He was

astounded that Mr. Cook did not call Council and it was poor judgement to assume calling Mr. Smith. Mayor Joven was not in favor to hire KDC. Mr. Cook worked with the City for 30 years on projects that were on time and under budget.

Motion was made by Mayor Joven to give a 30 day notice to cancel the KDC Professional Services contract for Downtown. Council member Matta was not opposed to revitalizing Downtown but was opposed to the time and amount of money for the project. He stated that the value of the dollar was reduced with it being prolonged. He agreed to cancel. Council member Thompson was not happy with the time frame and to go back to the Master Plan. Mr. Cook stated that the festival street was in the Master Plan. He asked who to report to if there was a problem with the director. Mayor Joven stated that it was his fault for poor judgement and how he relied on past direction. He should have called the Council or Interim City Manager. Mr. Cook stated that the City projects were 94% on time and within budget.

The motion was seconded by Council member Matta to give a 30 day notice to cancel the KDC Professional Services contract for Downtown. The invoice of \$19,000 was paid. The motion was approved by the following vote:

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

### Resolution

**Reject hauling services for recyclables contract and funding and reject recycling services contract to BRI, Inc. and funding.** Mr. Kerr stated that BRI was the sole provider for recycling. An RFP was done for hauling services from the Time Machine to BRI. SOS Waste Disposal submitted an RFP for a cost of \$167,508 a year. The contract was a two year contract with one year option for extension. He reviewed the services. He stated with no commercial recycling runs there would be a cost savings. Council member Thompson stated that the market was gone and there was no revenue. Mr. Kerr stated that recycling was good and it improved the community, but the products of packaging were not made for recycling. The cost was more to process recycling and it was not a cost effective method. He stated that the Time Machine offered the public the opportunity to recycle. Mayor Joven stated it was not cost effective and the deficit will increase. He stated that the City should not be in the business of recycling and allow people to find their own way to recycle. He stated that there were other serious city issues to address with roads and payroll. He stated the City needed to invest on employees and basic services.

Motion was made by Mayor Joven and seconded by Council member Hanie to reject the hauling services for recyclables contract and funding. The motion was approved by the following vote:

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

Motion was made by Mayor Joven and seconded by Council member Swanner reject the recycling services contract to BRI, Inc. and funding. The motion was approved by the following vote:

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

**Resolution No. 2023R-28 - Designate Industrial District 1-B as an Industrial District.**

Mr. Jones stated that the changes were made as Council directed. The other industrial district contracts would be changed as they were up for renewal. The contract was a three year term.

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

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

**Resolution No. 2023R-29 - Designate Industrial District 1-C as an Industrial District.**

Mr. Jones stated that the same changes were made from 1-B.

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

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

**Miscellaneous**

**Ratify the TIRZ board Chairman appointment.** Ms. Grimaldo stated that according to the TIRZ bylaws, the City Council must ratify the one year appointment of the TIRZ Chairman. The board appointed Craig Stoker.

Motion was made by Council member Thompson and seconded by Council member Vasquez to appoint Craig Stoker as the TIRZ Chairman for one year. The motion failed by the following vote:

Aye: Thompson and Vasquez  
Nay: Joven, Matta, Connell, Hanie and Swanner

**Appointment of Board: Animal Shelter Advisory Committee, Colorado River Municipal Water District, Downtown Odessa Inc., Historic Preservation Commission, Housing Authority of Odessa, Midland Odessa Urban Transit District, and Planning and Zoning Commission.** Motion was made by Council member Vasquez and seconded by Council member Matta to reappoint Kris Hinz, Connie Coots, and Marilyn Hancock to the Animal Shelter Advisory Committee. 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 Matta and seconded by Council member Hanie to table the Colorado River Municipal Water District appointments. The motion was approved by the following vote:

Aye: Joven, Matta, Connell, Hanie, and Swanner  
Nay: Thompson and Vasquez

Motion was made by Council member Matta and seconded by Council member Vasquez to appoint Bradley Marquez to the Downtown Odessa, Inc. 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 reappoint Grace King to the Historic Preservation Commission. The motion was approved by the following vote:

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

Motion was made by Mayor Joven and seconded by Council member Connell to reappoint Ron Chestnut, Wayne Russell, and Eddie Spivey to the Housing Authority of Odessa. 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 Hanie and seconded by Council member Vasquez to reappoint Steve Tercero to the Planning and Zoning Commission. 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 7:22 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Javier Joven  
Mayor