



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

May 23, 2023

On May 23, 2023, a regular meeting of the Odessa City Council was held at 6:05 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; Gilbert Vasquez, District Three; Greg Connell, District Four; and Chris Hanie, District Five;

City Council absent: Council member 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 Marcos Zuniga, Kingdom Church, and followed by the Pledge of Allegiance and Texas flags.

Proclamations, Presentations and Awards. Mayor Joven presented proclamations for Gun Violence Awareness Day and Texas Scholars Day.

Citizen's comments on non-agenda items. Motion was made by Council member Matta and seconded by Council member Hanie to suspend the rules and allow six minutes to Joe Soto. The motion was approved by the following vote:

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

Nay: None

Joe Soto discussed transparency as it was outlined in Article 1 of the US Constitution, Title 5, Chapter 552, in relation to city officials. He stated it was inconsistent with the Police Departments encryption. He asked that the encryption be dropped. He researched and uncovered a level of corruption with an email thread. He stated certain city employees did not have proper certification under 552.001. He stated that there was a dereliction of duty in failing to fulfill obligation.

Consent Agenda

1. City Council minutes, May 9, 2023;
2. City Council Work Session minutes, May 9, 2023;
3. Renew contract for auctioneering services with Rene Bates Auctioneers with a commission rate of 5% of sales;
4. Renew contract for school crossing guard services with ECISD;
5. Purchase 22 new sets of bunker gear for the suppression staff at Odessa Fire Rescue for \$80,850.

Motion was made by Council member Thompson 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, and Hanie
Nay: None

Regular

Amend the YMCA contract for the management services of the aquatic facilities to include security, a portion of which is to be paid by the City. Council member Matta abstained on this agenda item. Mr. Bernal stated that the YMCA contract for the management services of aquatic facilities did not address security. He stated that it was proposed to split the cost of security with the City's portion of \$20,400 for security. Crissy Medina, YMCA Executive Director, stated that there were issues last season and it was important to have security. Security would be at Sherwood Park, Woodson Park and Floyd Gwin Park pool areas. Mayor Joven asked that the bag policy be reviewed and consider incorporating a clear bag policy.

Motion was made by Council member Vasquez and seconded by Council member Connell to approve the City paying the security portion cost of \$20,400. The motion was approved by the following vote:

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

Ordinance

Amend Section 12-1-8 Impoundment of Vehicles in the City of Odessa Code of Ordinances. Mr. Jones stated that the amendment to the impoundment of vehicles would add language on a vehicle stopped with no insurance then it could be impounded at the officer's discretion. Mike Gerke, Police Chief, explained the process of a stop with no insurance. Mayor Joven stated that 40% of vehicles on city streets were uninsured. Chief Gerke identified the benefit of the amendment. Mr. Jones stated that the language of discretion of the officer would be added to the ordinance. Council member Connell supported the ordinance.

Motion was made by Council member Hanie and seconded by Council member Connell to approve the ordinance and add the language of shall be in the police officer's discretion on first approval. The motion was approved by the following vote:

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

Miscellaneous

Discuss the accomplishment of TIRZ. Craig Stoker, TIRZ Chairman, explained the funds that was spent in the zone. TIRZ was used to improve the zone to encourage investment. The goal was to improve the tax rolls, and the value of land in the area. Meetings were not regular but as needed. TIRZ funded projects included an updated Master Plan, design and implementation of the street project but was in a holding pattern, rehabbed a parking lot, landscaping and purchased flowerpots. Wallace Dunn, Medical Center Hospital Board

Member, opposed TIRZ as it did not do anything around the hospital. He did not see the value. He would support dissolving the Zone. Jeff Russell, TIRZ Vice Chair, stated that it was flawed and questioned the value. He stated that projections showed \$1.1 million at this point but it did not meet the projections. He stated that it added a layer of bureaucracy. Council member Vasquez asked about the fund balance if dissolved. Mr. Russell stated that the funds would be given back to the taxing entities in proportion of its funding. Mayor Joven stated that the parking lot exceeded over half a million dollars with lots of design and engineering. He questioned the authority to shut the project. He stated that the scope of the Certificates of Obligation (CO) for 2019 did not include downtown funding. He disagreed with spending \$6.5 million on two blocks for the street festival project. Mr. Jones did not know where the \$7 million downtown funds were allocated as there was no paperwork. Council member Thompson was disappointed with the regurgitated updated Master Plan and that the COs did not mention downtown.

Remove from the table appointment of Colorado River Municipal Water District.

Motion was made by Council member Matta and seconded by Council member Thompson to remove from the table the Colorado River Municipal Water District appointments. The motion was approved by the following vote:

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

Gary Haner and James Goates made introductions. Mr. Haner had expertise in water and was the only registered engineer on the board. He stated that CRMWD was a cohesive board and there were projects on the horizon.

Motion was made by Council member Vasquez and seconded by Council member Thompson to reappoint James Goates and Gary Haner to the Colorado River Municipal Water District. The motion was approved by the following vote:

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

Discuss and consider Odessa recycling by the City of Odessa. Mr. Bernal proposed a recycling program in the city with containers at the Time Machine and the City would service the cardboard and plastic containers. Mayor Joven stated that 80% of recyclables were contaminated and employees were taken off the route to pick up recyclables. He stated that most of the recyclables were rejected and went to the landfill. There was no revenue with recycling. He stated that there was a company for a possible partnership with recycling and the issues would be addressed. He stated that the City was not abandoning recycling, but it needed to be financially responsible with the program. Anese Forsyth stated that infrastructure needed to be built for the recycling. There should be a partnership with the waste facilities and recycling companies. She supported the recycling education. She suggested a charge to the customers. Mayor Joven stated that the City was working through the recycling. Melinda Garriga stated that education was important for recycling and the public needed to be educated. The Garriga Law Firm provided give away recycle bags. She suggested sponsors and would assist with the recycling program.

Appointment of Board: Midland Odessa Urban Transit District. No action.

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

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

The meeting adjourned at 7:41 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor