



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

June 8, 2021

On June 8, 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 Jeff Cleere, Chapel Hill Baptist Church, and followed by the Pledge of Allegiance and Texas flags.

CONSENT AGENDA ITEMS

- A. City Council minutes, May 25, 2021;
- B. City Council work session minutes, June 1, 2021;
- C. **Ordinance No. 2021-14 - Request by Sonya A. Wilson, owner, to rezone from Neighborhood Services (NS) to General Residential (GR) on the west 134' of Lot 21, Block 3, Smith Heights, City of Odessa, Ector County, Texas (southeast of the intersection of Murphy St. and Fitch Ave.);**
- D. **Ordinance No. 2021-15 - Request by Tania Hospitality Management LLC and Carl Floyd, owners, Maverick Engineering, agent, for original zoning of Light Industrial (LI) on a 17.35 ac. tract in Section 32, Block 42, T-2-S, City of Odessa, Ector County, Texas (northwest of the intersection of Walther Rd. and W. Remington Rd.);**
- E. **Resolution No. 2021R-36 - Odessa Fire Rescue to accept and appropriate funds from the Law Enforcement Officer Standards and Education (LEOSE) funds;**
- F. **Resolution No. 2021R-37 - Accept and appropriate funds for \$105,000 donated to the City of Odessa Police Department from Bustin for Badges function;**
- G. **Resolution No. 2021R-38 – Accept JRAC funds for the Odessa Fire Rescue;**
- H. Reject bids for the installation of a new concessions/restroom building at Floyd Gwin Park.

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

OTHER COUNCIL ACTION

PUBLIC HEARING

Open a public hearing to consider approval of the original zoning request by Leeco Energy & Investment Inc., owner, for Special Dwelling District (SPD) on a 119.92 acre tract in Section 2, Block 42, T-2-S, T&P RR. Co. Survey, City of Odessa, Ector County, Texas (proposed Yukon Ridge, 1st Filing) (northwest of the intersection of E. 61st St. and N. Grandview Ave.) Randy Brinlee, Director of Development Services, reviewed the location for zoning. The purpose was to facilitate 658 residential single-family lots. It would provide for a compatible development to the existing land uses to the area. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Matta and seconded by Council member Thompson to approve the ordinance on first approval. The motion was approved by the following vote:

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

Open a public hearing to consider approval of the request by Leeco Energy and Investment Inc., owner, LCA, agent, for original zoning of Special Dwelling District (SPD) on an 8.06 acre tract located in Section 2, Block 42, T-2-S, T&P RR. Co. Survey, City of Odessa, Ector County, Texas (proposed Desert Ridge, 2nd Filing, Phase 7 Subdivision) (northeast of the intersection of Dawn Ave. and Wrigley Dr.) Mr. Brinlee stated that the protests had concerns of no alleys on the development as it would have a trash roll out. He reviewed the location which was vacant. The purpose was to provide for 60 residential single-family lots. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Willis and seconded by Council member Sprawls to approve the ordinance on first approval. The motion was approved by the following vote:

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

Open a public hearing to consider approval of the request by Maribel Caballero, applicant, to rezone from Special Dwelling District (SPD) to Office (O) of an approx. 0.138 acre tract, being Lot 28, Block 2, Odessa Housing, City of Odessa, Ector County, Texas (northeast of the intersection of Coronado Ave. and W. 8th St.) Mr. Brinlee reviewed the location which was vacant. The purpose was to allow for office use development. A site plan was submitted and there was adequate parking. It would complement the neighborhood. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Thompson and seconded by Council member Swanner to approve the ordinance on first approval. The motion was approved by the following vote:

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

ORDINANCE

Temporary speed limit for a TxDOT construction project. Hal Feldman, Traffic Engineer, stated that the request was for a temporary speed reduction zone, on Loop 338 and Parkway, from 55 mph to 45 mph. It would be for the construction time of September through November 2021.

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

Changes to modify Section 12-2-7 (School Zones) of the City Code of Ordinances. Mr. Feldman stated that the crossing guard company and the City requested school zones changes. He reviewed the following proposed changes: Clover & 52nd - propose to remove the existing school zone and crossing guard; Reagan (in front of school) - propose to install a new school zone on 21st; Grandview & 21st - propose to remove existing school zone; Dixie & 13th - propose to remove the existing school zone and crossing guard; Dixie & Monahans - propose to remove the existing school zone and crossing guard; Lincoln & Clements - propose to remove the existing school zone and crossing guard; and 87th & Rainbow - propose to remove existing school zone. The removals have no children crossing. The proposed school zones would utilize the need of the crossing guard based on activity. The Traffic Advisory Committee recommended the changes.

Motion was made by Council member Swanner and seconded by Council member Willis to approve the ordinance on first approval. The motion was approved by the following vote:

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

RESOLUTION

Resolution No. 2021R-39 – Adopt a resolution of the City Council of the City of Odessa, Texas, relating to the giving of notice of intention to issue City of Odessa, Texas Combination Tax and Revenue Certificates of Obligation, Series 2021 for purposes of funding the improvements to the City's existing Water Treatment Plant.

Mrs. Muncy stated that the notice was for issuance of the Certificates of Obligation (COs) for funding the Water Treatment Plant for improvements. Several presentations were made with past and current Council. The Council members toured the plant. Council reviewed how to fund in 2020 but paused due to COVID. The Texas Water Development Board was explored but could not fund the project. During meetings in January and March 2021, the financial advisor presented options for funding. Council directed staff to proceed with the Certificates of Obligation funding. The COs have been issued for many years since 1993. It would be a self-supported debt through the Water and Sewer Fund. The Legislature supported the CO's and prescribed debt for specific designated uses including public works infrastructure. The pledge was to obtain the best interest rate. The water and sewer rate would be increased by 6.43%. The construction would take three years to complete. The

issuance would be on July 27 with the market and selling in late August. The design was 95% complete. Hutch Musallam, Carollo Engineers, explained the final review design being completed in July. It would be sent to TCEQ for review. He reviewed the Water Treatment Plant's condition assessment with renovations being needed.

James Goates, 20 St. Andrews, thanked the Council for its service and common sense. He stated that the City had a few tools for financing. The COs save the city money, time, and the chance for best interest rates. He stated Council was elected to protect the City and staff has done a good job. The CO's were a good thing. Tim Harry, 304 E. 89th St., gave kudos to management and staff. He agreed that the plant needed an overhaul. He asked why this was delayed with pet projects. He was part of the water industry and wanted the availability to review the Master Plan. He questioned the target to meet 55 MGD while the current plant treated 50 MGD. He stated that the needs of the city needed to be addressed. He questioned why there was not a citizen committee, out of town consultants and not kept local. Clayton Smith, 3616 Springbrook, had not seen the specs. He objected on the process and disagreed about the comment of citizens not having the management degree. He stated that citizens deserve the opportunity to review, know where funds were going, and vote it down. Peggy Dean, 65 Prestwick, stated that it was critical to secure water for citizens. Paying cash was not an option as most large purchases were financed over time. She stated that it was a complicated issue as several presentations were made with past and current Councils. She stated that Council represented the citizens and have the responsibility to secure the water. If sent to an election, there would need to be a concentrated effort to educate, volunteers to raise funds and launch a campaign as the staff and Council could not be proponents for the project. If it failed, then it was not possible to consider for three years. Wallace Dunn, 1602 Everglade, thanked the City Council. He stated, serving in the military, respect was earned and was discouraged with the disagreement. He stated Council needed to be a team and asked if the water project was an emergency. He stated it was not an emergency as it worked during the February freeze. He asked about the \$14 million design and what do the taxpayers receive. He asked that it be put to a vote or would fight against it if it was not placed for a vote. Dean Combs, 3733 Blossom Lane, thanked the Council for service and leadership. He stated that the COs were a funding mechanism to finance infrastructure that encompassed the entire State. He stated that this should not place the City at risk. The City has a A+ rating and received awards. He stated that the voters elected Council to lead, and it was the responsibility to lead. Larry Robinson, 2301 E. 8th St., asked about the surplus of funds. George Williford, Hilltop Security, stated that the CO was supported by utility. Mr. Robinson stated that the total cost per person was \$3,000 and believed that this be taken to a vote. He wanted the opportunity to vote as with the COs people were being blind sighted. Jana Smith designated time to Tim Harry. Jeff Russell, 1703 Redbud, asked, as a taxpayer, that the item be tabled for the taxpayer issue funded debt. The COs would be paid by children and grandchildren and the taxpayer deserved the right to be educated on the debt project. He stated that there were no clear plans on the project as the design was not completed. He asked for detailed description, timeline, and the contingencies. The citizens deserve the right, as voters, to vote and there should be education and outreach and the spending should be defined. He stated prior Councils chose other projects such as the animal shelter and convention center. He urged to follow the Mayor's lead. Ned Luscomb, 12133 E. Hwy 158, Gardendale, has a business in District 2 and knocked on voters' doors in the 2020 election. He stated that the issue should be taken to the voters and the voters did not appreciate Council's decision in raising taxes without input. Kris Crow, 2388 Bainbridge, asked to table the vote and educate the citizens on the item, as no townhall meeting has been held on issues. He stated that Council was not elected to make decisions but make voters vote to bring items before Council. He stated that there were many unanswered questions that included if it was an emergency. It should be voted at the May election. He asked to give the voters a chance to

prove if it was better for the city. He had a petition ready to be signed to take to vote. He stated "no tax without vote". Dawn Tucker, 6209 Mecca, was against the COs. She stated that there was a drop in oil and gas in the city and debt should not be placed on the citizens and elderly. She stated that the Council approved funds for the Ellen Noel Art Museum and spent on other projects but could have been spent on water. She stated that the City had \$233 million in debt liabilities. She stated it may cost more money and voters should be able to vote. Chris Gonzales, 901 W. 21st., stated that Council members should not decide but were representatives and the voters should decide their own decision. He stated that Council should not be part of bad business. Jane Smith and Steve Harry designated their time to Tim Harry. Mr. Harry stated as part of the industry it could be done cheaper, better, and faster. He treated water daily in the oil field and could take on the task. He questioned if consideration was given to using the local industry. He asked how much could the City save on insurance overhead as it may be in Council member Thompson's arena. His company received the City's insurance contract in December. He stated to consider paying tax abatements or have a public/private partnership. The employment was needed, and the public was encouraged to buy the Basin but the design services were from outside of the city. He stated money needed to flow back through our economy and urged to table the item. A dialogue should be created and a plan laid out to vote upon. Sylvia Sanchez designated the time to Larry Robinson. Mr. Robinson stated there was no transparency as it was not posted properly. It was only posted within the agenda and did not comply with the law. He stated that the surplus debt should be studied and people need water but want to vote. Joline Hawkins chose not to speak. Christian Sanchez, 306 McKnight, understood the COs and it did not stick well with him or others. He stated transparency was the key and people should have the option to vote. He stated that there were excess reserve funds with the Odessa Development Corporation and Pioneer funds. He asked to table the item and put to a citywide vote. He stated that Council was elected to represent and not speak for citizens. Tisha Crow, 2388 Bainbridge, was grateful for Council's service. She stated that citizens spoke eloquently, from the heart, honest, and forthright. The debt was closer to \$130 million, and people were asking for transparency. She implored Council to consider the request, investigate and listen to the people in the city. She asked to step back and not circumvent the will of vote. She stated that the Council was not elected to take debt but run the city and take the issue to vote. Tommy Ervin, 1005 N. Moss and President of Ector County Utility District (ECUD), stated that there were 23,000 West Odessa customers that received city water. He had the knowledge that the plant needed renovating. He stated that the plant would fail. ECUD has a 30-year contract with the City for water and would need more water soon. Council member Swanner asked about the time moved six months. Mr. Musallam stated that the March update moved the schedule for a July design completion date. Updates were made on cost estimates and vendor quotes. The final cost would be known when the bids were received. The City would select a qualified bidder. Tom Kerr, Director of Public Works/Utilities stated that the design was based on estimates. The budget was difficult to estimate as there were high bids in recent projects. Mrs. Muncy stated that the timeline for the issuance was accordance to state law. She reviewed the process. The notice will be posted on the website and newspaper as required. Council member Matta stated that the public opinion spoke volumes and hoped Council would consider. Council member Thompson stated that there were a lot of accusations. He understood that Council met, reviewed items, and made decisions on behalf of constituents. He stated that the community was growing, houses were being built and the water pressure was growing. The project needed to get underway. Council member Sprawls stated it was difficult. He confirmed that the audience in attendance was in favor of building the Water Treatment Plant. The question was the form of government. He heard a pastor speak on electing officials and allow council to make decisions. He understood the passion. ECUD bought water at a cost plus and their rates would be raised without their say as they reside in the county. He stated it was difficult to measure and cared about the discussions. Council

member Willis heard both sides. She spent time, not taken lightly, and wanted to give back to the city. She stated time was taken to make decisions that were not easy. Tours were taken and meetings were held with Council. She stated that Council would not always vote with everyone's satisfaction but did its best with the information provided. Mayor Joven asked about the principal and interest totaling \$133,668,250. Mr. Williford confirmed the amount and the best interest rate would be obtained. Mayor Joven stated it was based on market conditions. Mr. Williford stated that the \$131 million would be paid out of water and sewer revenues and it was itemized. Council member Matta asked, with Odessa's growth, would the added five million gallons a day suffice the growth. Mr. Kerr stated that the capacity was 55 MGD and currently the City reached 36 MGD. The plant capacity projections were beyond 2043.

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

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

Resolution No. 2021R-40 – Support the application to TxDOT's 2021 Transportation Alternatives call for projects. Mr. Feldman stated that an application was submitted for a 2021 Transportation Alternative for non-motorized projects. The project was for a sidewalk on Faudree for the Park Senior Living and required a resolution of support. The project was based on a reimbursement program which the City would pay for the project and be reimbursed minus the 20% local match. The funds would be paid out of the Street Maintenance Fund.

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

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

Resolution No. 2021R-41 – Setting a public hearing on July 13, 2021, at 6:00 p.m. in the Council Chambers, fifth floor, City Hall, 411 W. 8th Street, Odessa, Texas, to consider the imposition of impact fees for the designated Roadway, Water and Wastewater service areas as required by Section 395.047 of the Local Government Code. Mr. Kerr stated that the resolution would set the public hearing on July 13, 2021, at the Council meeting for roadway, water and wastewater impact fees as required by state law. The public hearing would allow for any member of the public to speak for or against the imposition of impact fees.

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

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

Resolution No. 2021R-42 – Professional services agreement with Kimley Horn for a Downtown Master Plan update. Mr. Urrutia stated that the professional services agreement with Kimley Horn was to update the Downtown Master Plan. Kimley Horn revised its plan with a reduction of time and cost. The plan would not affect the results of the plan. Meetings would be held virtually. The TIRZ board recommended the revised agreement.

Council member Swanner thanked the board for the research. Council member Matta stated it was a great job in working with Council. Council member Willis stated it was a great example of working together.

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

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

MISCELLANEOUS

Consider and discuss the annual review of the Code of Conduct. Mrs. Grimaldo stated that, as required by Ordinance No. 2019-55, the City Council shall annually review the code of conduct. The Council shall consider recommendations and update it, as necessary. After the review, a statement of affirmation shall be signed. Ms. Brooks stated that if Council has reviewed the code of conduct, the statement can be signed and turned in. If there were any suggested changes, it would be brought to the Council for consideration and review.

Appointment of Boards: Historic Preservation Commission and Tax Incentive Committee. No action.

Citizen's comments on non-agenda items. Council member Thompson clarified that the comment made on the Certificates of Obligation item, with him owning an insurance company was not correct. He has not owned the insurance company for eight years and proper forms were filled out.

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

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

The meeting adjourned at 8:06 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor