



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

**July 12, 2022**

On July 12, 2022, 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; 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; Cindy Muncy, Assistant City Manager; Phillip Urrutia, 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 Renee Phillips, River of Hope, and followed by the Pledge of Allegiance and Texas flags.

**Citizen's comments on non-agenda items.** Anese Forsyth requested to add a recycling center. She stated that Regan Elementary has a recycling program. The City removed the recycling bins due to lack of truck drivers and Basin was unable to serve the bins because lack of drivers. Matt Coday supported the first responders and was concerned with the safety of citizens. He asked why the Council rejected the raises the Odessa Fire Rescue.

**CONSENT AGENDA ITEMS**

- A. City Council minutes, June 28, 2022;
- B. City Council work session minutes, July 5, 2022;
- C. **Ordinance No. 2022-15- Request by Jim Camp, owner, Bill Anderson, agent, to rezone from Single Family-Three (SF-3) to Office (O) of an approx. 0.393 acre tract, being Lot 51, Block 2, Sherwood 01-72, City of Odessa, Ector County, Texas (northeast of the intersection of McKnight Dr. and E. 42nd St.)**
- D. **Resolution No. 2022R-38 - Authorize Odessa Fire Rescue to accept and appropriate funds from the Texas J Regional Advisory Council for \$18,655;**
- E. Annual review of the Code of Conduct;
- F. Contract renewal for school crossing guard services and agreement with Ector County ISD and All City Management Services;
- G. Bid award for purchase of automotive vehicles for various departments for \$1,011,320.10.

Motion was made by Council member Thompson and seconded by Council member Sprawls to remove agenda item G. 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 consent agenda items A-F. The motion was approved by the following vote:

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

**Bid award for purchase of automotive vehicles for various departments for \$1,011,320.10.** Mr. Urrutia stated that the purchase of the vehicles was scheduled and budgeted for a total of \$1,011,320.10. He stated that if the local preference was utilized there would be a cost increase of \$50,422.30. The vehicles would have about 12-24 months to be delivered. Council member Thompson supported the local preference and recommended to purchase all the vehicles from Sewell Ford.

Motion was made by Council member Sprawls and seconded by Mayor Joven to approve the bid award to Rush for items 1,2,4, and 7 and Sewell Ford for items 3, 5, and 6. The motion was approved by the following vote:

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

#### **OTHER COUNCIL ACTION**

##### **PUBLIC HEARING**

**Open a public hearing to consider the limousine services franchise application of Delma Barriga.** Mike Gerke, Police Chief, stated that the request for a limo license was to operate one limo bus. No one came forward and the public hearing was closed.

Motion was made by Council member White 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**

**Discuss and consider amendments to the Odessa City Code Chapter 4 “Business Regulations”; Article 4-17 “Video Gaming”.** Ms. Brooks stated that there were questions regarding the game rooms. Bobby Bland stated that business owners had concerns. He stated that the visits from different officers were inconsistent. He asked about the 50 limit of machines and the businesses that paid for the fees of over 50 machines. The inconsistency was also in the serial numbers. Mayor Joven stated that illustrations were provided. Another concern was the tint of the windows. Mike Gerke, Police Chief, stated that the citation should be heard by the Municipal Court Judge to rule on the citation. Ian Kapets, Police Sergeant, read the ordinance regarding the tint. He reported that since the enactment of the ordinance there has been nine citations. Monique Wimberly, Senior Assistant City Attorney, stated that clarification was needed on slight tint or no tint. Chief Gerke stated that the no tint was for the safety for law enforcement and to deter crime. Mr. Bland stated that the enforcement was arbitrary and there were flaws in the law. Ms. Wimberly stated that the only grandfather clause in the ordinance was the location and zoning. Council member Thompson stated that the officers were doing their jobs and the ordinance was done

equitably and fairly. Council member White stated reimbursing of permit fees may need to be reviewed. She supported no tint. Mr. Bland stated that issues were being reviewed with the Police Department. The Council had consensus with no tint. The businesses were permitted on an annual basis. Sergeant Kapets reported on the fees for the permit and machines. Council member Sprawls understood the frustration from the business owners with paying for the machines and not be able to use over 50 machines. Council member Thompson suggested allowing the businesses that paid for over 50 machines to allow use until its annual renewal. Council had a consensus to allow the businesses to grandfather over 50 machines if they were paid before May 1 and until revoked or suspended. Sergeant Kapets explained that most of the business owners were out of town. Ms. Brooks read the amended language for the proposed amended ordinance.

Motion was made by Council member Sprawls and seconded by Council member Willis to table the item. The motion failed by the following vote:

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

Council member Swanner called the question. Motion was made by Council member Swanner to adopt the amendment as provided in Article 4-17-5 (e)(11)(A) that included the grandfather clause of machines prior to May 1, 2022. The motion was rescinded. Motion was made by Council member Swanner and seconded by Council member Thompson to approve the ordinance on first approval which included the grandfather clause of machines prior to May 1 and no tint. The motion was approved by the following vote:

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

Ms. Wimberly reported that there were no citations issues on those two issues.

## RESOLUTION

**Resolution No. 2022R-39 – Parks, Recreation, Open Space and Urban Landscapes Master Plan.** Steve Patton, Director of Parks and Recreation, introduced Matt Christman the new Deputy Director of Parks and Recreation. Mr. Patton stated that the Master Plan included public input, surveys, and meetings. The Master Plan recommended policy and project priorities. The plan was a guideline and could be amended. He stated that sustainability and the quality of life in parks was important.

Motion was made by Council member Willis 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

**MISCELLANEOUS**

**Appointment of Boards: Citizens Golf Advisory Committee and Parks and Recreation Advisory Board.** No action.

Motion was made by Council member Sprawls and seconded by Council member Willis 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 7:14 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Javier Joven  
Mayor