



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

July 13, 2021

On July 13, 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; Mari Willis, District Five; and Denise Swanner, At-Large.

City Council absent: Council member Tom Sprawls, District Four.

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 Tim Halstead, New Life Church, and followed by the Pledge of Allegiance and Texas flags.

CONSENT AGENDA ITEMS

- A. City Council minutes, June 22, 2021;
- B. City Council work session minutes, July 6, 2021;
- C. **Ordinance No. 2021-21 - Request by Permian Basin Womens Resource Center, Inc., Newton Engineering, agent, to rezone from Multi-Family Residence-One (MF-1) to Office (O) of 0.39 acre tract, being Lots 1-3, Block 11A, Herbert & Wight Addition, City of Odessa, Ector County, Texas (northwest of the intersection of N. Sam Houston Ave. and W. 8th St.);**
- D. **Resolution No. 2021R-50 - Authorize the City of Odessa Police Department to apply for an accept; amending the fiscal budget to appropriate awarded funds as additional revenue and authorize the expenditure of awarded grant funds from the 2021 BJA Edward Byrne Memorial Justice Assistance Grant Program (JAG);**
- E. **Resolution No. 2021R-51 - Authorize the City to apply for and accept a Federal Government Grant (\$27,200) to provide partial payment for bulletproof vests, committing to a cash match, appropriating awarded grant funds, and authorizing expenditure of awarded grant funds;**
- F. **Resolution No. 2021R-52 – Ector County interlocal agreement for the division of the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) funds;**
- G. Purchase bulletproof vests with rifle plates from Angel Armor for the Police Department for \$106,370.25.

Motion was made by Council member Willis 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, Willis, and Swanner

Nay: None

OTHER COUNCIL ACTION

Tabled - Settlement agreement for pending litigation, presented by Eric Rich with the Shafer Firm. Motion was made by Council member White and seconded by Council member Thompson to table the settlement agreement. The motion was approved by the following vote:

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

Nay: None

PUBLIC HEARING

Open a public hearing to consider the imposition of impact fees pursuant to Chapter 395 of the Texas Local Government Code. Tom Kerr, Director of Public Works/Utilities, stated that the findings and recommendations of the Impact Study was from the Capital Improvement Advisory Committee. He recognized and thanked the committee. John Landgraf, Committee chair, reported that this was another tool for the city to grow and have a capital improvement in place for the existing and future growth. The committee's recommendation could be changed by the Council. John Atkins, Kimley Horn, reviewed the adoption schedule. He reviewed the Impact Fee Study that identified the service units for water, wastewater, and roadway. He reviewed the basic water meter size. Mr. Atkins reviewed the impact fee calculations. He explained the calculation formula for the impact fees. He outlined the maximum charge that the City could adopt. The maximum assessment impact fee per service unit for water – residential was \$778 and for wastewater was \$1,662. The roadway within the city limit was divided in three service areas. The maximum assessment was for area 1 was \$2,720, for area 2 was \$1,240 and 3 was \$2,155. Mr. Atkins provided an impact fee comparison to the City of Midland. The methodology was consistent with Odessa. Odessa had more roadway needs than Midland. The sewer was comparable. Odessa has less water needs than Midland. He reviewed the committee's recommendation. For the residential, service areas 1 & 3 was \$3,000 for service area 2 it was \$2,000 and CDBG was \$1,000 all with a two-year grace period. The non-residential has a one-year grace period. He reviewed the non-residential comparison chart for general office, light industrial, and retail-shopping center. Mr. Atkins explained the revenue comparison on impact fees versus the capital cost. With the maximum annualized, the recovery would be \$9,167,003. With the committee's recommendation, the annualized maximum recovery would be \$3,614,109. Chris Berry, 7207 91st St., appreciated the input from the stakeholders. He requested a three to six month time frame for allow for the finalizing of the plat plans for development. It would allow for the phases to get approved and filed. No one else came forward and the public hearing was closed.

Open a public hearing to consider approval of the request by Fabian Serrano, lessee, Bell Texas Development 2015 LP, owner, for a specific use permit to allow a tavern use in a Retail (R) zoning district on Lot 4, Block 5, Parks Bell Ranch North (6901 Cross B Rd., Ste. 100). Randy Brinlee, Director of Development Services, reviewed the location. The purpose was for a specific use permit to allow a tavern. A site plan was prepared. The Planning and Zoning Commission recommended for approval with

conditions. He reviewed the conditions. He stated it was a temporary permit and the Council had the right to terminate the permit after a public hearing. No one came forward and the public hearing was closed.

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

Open a public hearing to consider approval of the request of CJ Real Estate, LLC., owner, to rezone from Multi-Family-Two (MF-2) to Light Commercial (LC) Lots 27 and 28, Block 1, Grand View Addition (southwest of the intersection of E. 9th St. and Limestone Ave.). Mr. Brinlee reviewed the location which was vacant. The purpose for the rezone to light commercial was to allow for retail use for a coffee shop. There would be upgrades to the existing development. City staff recommended that the rezone be Planned Development-Light Commercial for the standards to be met. The Planning and Zoning Commission recommended for approval with conditions. Mr. Brinlee reviewed the conditions. The access was on 8th St. He stated that there was no impact on the drive through lanes. Michael Thomas, civil engineer, stated that the coffee shop was going to be a Starbucks. He visited with the staff and residents. The screening would help shield the light. There would be 31 parking stalls, with the heaviest volume of traffic from 7 a.m. – 10 a.m. The time construction would be three months after the permits were received. No one else came forward and the public hearing was closed.

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

Open a public hearing to consider approval of the request by Marcus Fielden, owner, to rezone from Single-Family-Three (SF-3) to Neighborhood Services (NS) Lots 8 and 9, Block 9, Fleetwood Subdivision, City of Odessa, Ector County, Texas (northwest of the intersection of E. 42nd St. and Waverly Ave.) Mr. Brinlee reviewed the location. The rezone was to redevelop the property as an office which would be upgraded and improved. The Planning and Zoning Commission recommended for approval. Taylor Thompson, 5609 Montana, stated that the rezone was to open an insurance agency. There would be reduced traffic, paved parking lot and improved the look of the neighborhood. No one else came forward and the public hearing was closed.

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

MISCELLANEOUS

Tabled - Consider and take any necessary action to propose an amendment to the city code of ordinances relating to the requirement of all boards, committees, subcommittees, and commissions of this city be subject to the Texas Open Meetings

Act. Motion was made by Council member Matta and seconded by Council member Swanner to table the boards, committees, subcommittees, and commissions subject to the Texas Open meetings act as he would be getting information from the City Attorney's office. The motion was approved by the following vote:

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

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

Citizen's comments on non-agenda items. No comments.

Tabled - 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 or contemplated litigation. Reconvene in open session for possible action. Motion was made by Council member White and seconded by Council member Wills to table executive session under 551.071. The motion was approved by the following vote:

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

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

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

The meeting adjourned at 6:56 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor