



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

**July 25, 2023**

On July 25, 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.

City Council absent: Council member Gilbert Vasquez, District Three.

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 Adrienne Coleman, Highland Methodist Church, and followed by the Pledge of Allegiance and Texas flags.

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

Motion was made by Council member Thompson and seconded by Council member Connell to suspend the rules.

The motion was approved by the following vote:

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

Nay: None

**Regular**

**Formation, operation, structure, organization, management and naming of the sports complex.** Mr. Jones stated that the sports complex was for perpetuity. He recommended that the board of directors would be seven voting members appointed by each member of the City Council. He also recommended three ex-officio officers to be served by members of the Council and the Director of Parks and Recreation. The foundation would be set up as a 501c3. The directors' terms would coincide with the Council members terms. Mr. Jones stated that the bylaws and articles of incorporation was included.

Motion was made by Council member Hanie and seconded by Council member Matta to approve the bylaws and articles of incorporation. The motion was approved by the following vote:

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

Nay: None

**Appointment of board of directors for the sports complex.** Motion was made by Council

member Connell and seconded by Council member Thompson to appoint the following for the sports complex foundation:

Kerry Evans appointed by Council member Swanner  
Bob Thayer appointed by Council member Matta  
Collin Sewell appointed by Council member Thompson  
Daniel Howard appointed by Mayor Joven  
Jeff Stenburg appointed by Council member Connell  
Teresa Vasquez appointed by Council member Hanie  
Bradley Marquez appointed by Council member Hanie, presented by Mr. Jones as requested by Council member Vasquez.

The motion was approved by the following vote:

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

**Resolution No. 2023R-48 - Accept a donation from P Bar Parks Bell Ranch, Ltd. approximately 100 acres for the constructing and maintaining of a sports complex and a children's park.** Mr. Jones stated that the deed was to accept the donation from P Bar Parks Bell Ranch for a sports complex.

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

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

Mayor Joven stated that the Bell family stepped up to donate approximately 100 acres. He thanked the Bell Family. The Bell family presented a check for a donation of \$5 million. Larry Bell introduced each member of the Bell family including his wife Ellen, son, daughter in law and grandsons. He provided a history of the Parks Bell over the last 100years. Over time, the Bell Family has provided land that has been annexed in the city. The Bell Family has worked with the City and County for many years and has provided major road connections for the city. He remembered his daughter, Amy, who her life's passion was working with children. He asked that the gift of the land be followed with public/private partnerships for the benefit of all youth of a sports complex. He asked that other companies, businesses, families join and pay it forward. He asked that we all work together to make it happen.

**Resolution No. 2023R-49 - Escrow agreement with P Bar Parks Bell Ranch, Ltd., Permian Basin Title Services, Inc. and the City of Odessa for the purpose of appointment of an escrow agent for the donation of almost a 100-acre tract of land for the construction of a sports complex and a children's park.** Motion was made by Council member Thompson and seconded by Council member Swanner to approve the resolution. The motion was approved by the following vote:

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

**Naming of the sport's complex foundation.** Mr. Jones stated that Amy Bell loved horses and children. He suggested naming the foundation the "Amy Bell Sports Foundation". Mr. Bell stated that Amy Bell was about philanthropy and it was about her work. He asked that there be a designation for the Amy Bell Memorial Park of five acres on the sports complex. It would recognize and acknowledge the ranching and heritage. Mayor Joven stated that the Foundation's purpose was to accept donations for the sports complex. The Bell family's legacy would continue its on-going contribution to the youth and sports for the community.

Motion was made by Council member Matta and seconded by Council member Connell to name the foundation the Amy Bell Sports Foundation to oversee of collection of funds. The motion was approved by the following vote:

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

Collin Sewell stated that things start with a dream and the Bell Family has taken the dream and bringing the vision to a reality. He thanked the Bell family for their kindness and generosity. He asked that the park makes Odessa a new cornerstone and focus on family and the future of Odessa. The thanked the family for their commitment. He asked the community to create a sports park for excellence.

**Citizen's comments on non-agenda items.** Dustin Eggleston discussed the Windmill Crossing. He had a timetable to develop the Windmill Crossing. He was working on the water and sewer. The home construction would begin January 2024 with the completion date of June 2024. He was working with staff on application and platting for the rezone portion of the property. He wanted the opportunity to achieve the timetable. He asked staff to release the permits to begin the water and sewer construction. Elizabeth Shaughnessy, Director of Development Services, reported that the zoning was not matching, and a rezone was needed.

David Hisaw stated that Odessa Soccer Association (OSA) had its permits for every phase of the moving the building to Sherwood Park. He stated that OSA followed all ordinances and had permission to erect the building at Sherwood Park. He stated that the priority was the kids and a strong program. He asked that there be a resolution and OSA wanted to work with the City.

Tom Martinez stated that OSA focused on the kids to play soccer. He stated that the allegations were inaccurate. OSA did not do anything underhanded. He contested the comments made at the July 11, 2023 by Max Reyes, Director of Parks and Recreation.

Jamie Myers stated that the issues of the soccer fields affected the lives of others. She stated that the space was relied on for the children to play soccer and should be afforded the opportunity.

### **Consent Agenda**

5. City Council minutes, July 11, 2023;
6. City Council Work Session minutes, July 11, 2023;
7. Special City Council minutes, July 17, 2023;
8. Specific use permit request to allow workforce housing in an industrial contract district on Lot 6, Block 2, OIDC Park Addition, Section 32-2, being a 23.573 acre tract of land in Section 31, Block 41, T-2-S, Texas

- & Pacific Railroad Company Survey, City of Odessa, Ector County, Texas (Located on the West side of OIDC drive, approximately 1,860 feet East of E. Interstate 20 Service Rd.)
9. **Ordinance No. 2023-14 - Grant request by Newton Engineering for a zone change from FD, Future Development District, to a Planned Development-Light Commercial District, on a 13.01 acre-tract of land located in Section 9, Block 41, T- 2-S, T & P RR. Co. Survey, City of Odessa, Ector County, Texas. (Located on the southwest corner of the intersection of Parks Legado Rd. and San Machell Dr.)**
  10. **Ordinance No. 2023-15 - Request by Parkhill for a zone change from FD, Future Development District, to an R, Retail District, on a 20.13-acre tract of land located in Section 46, Block 41, T-1-S, T & P RR. Co. Survey, City of Odessa, Midland County, Texas. (Located on the southeast corner of the intersection of Legacy Road and E Yukon Rd.)**

Motion was made by Council member Thompson and seconded by Council member Matta Thompson to remove Item #8. The motion was approved by the following vote:

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

Motion was made by Council member Swanner and seconded by Council member Matta to approve the consent agenda items 5 -7 and 9 - 10. The motion was approved by the following vote:

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

**Ordinance No. 2023-16 – Specific use permit request to allow workforce housing in an industrial contract district on Lot 6, Block 2, OIDC Park Addition, Section 32-2, being a 23.573 acre tract of land in Section 31, Block 41, T-2-S, Texas & Pacific Railroad Company Survey, City of Odessa, Ector County, Texas (Located on the West side of OIDC drive, approximately 1,860 feet East of E. Interstate 20 Service Rd.)** Motion was made by Council member Swanner and seconded by Council member Hanie to approve the ordinance on second and approval. The motion was approved by the following vote:

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

### Regular

**Resolution No. 2023R-50 – Early termination and non-renewal of NAPA (Barron Services).** Chis Adams, Director of Equipment Services, recommended to terminate the NAPA agreement. He stated that NAPA was housed out of the Equipment Service Department with the use of water and telephone. The City paid a monthly fee between \$18,000 - \$20,000 that covered profit, staff wages, health benefits and fuel. He recommended that the parts be moved inhouse. The early termination would coincide with the City's fiscal year ending. He asked that all the parts in Napa inventory be purchased at an approximate cost of \$249,000. The City was covering its overhead.

Motion was made by Council member Swanner and seconded by Council member Connell to terminate the NAPA contract and not renew the NAPA contract. The motion was approved by the following vote:

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

**Appointment of John Beckmeyer as City Manager and award of contract.** Mr. Jones stated that John Beckmeyer accepted the appointment and agreed with the contract. Mr. Jones read a letter from Mr. Beckmeyer. He was eager to work with the City, staff and serve the citizens of Odessa. Mr. Beckmeyer would begin August 10, 2023. Council member Thompson had a problem with the appointment. He read out the specific criteria that included a bachelor's degree. Mr. Beckmeyer did not meet the criteria. Council member Matta asked if the problem was due to the public outcry. Council member Thompson stated that it was comments from his constituents.

Motion was made by Council member Swanner seconded by Council member Hanie to approve the appointment and contract of John Beckmeyer as City Manager. The motion was approved by the following vote:

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

**Appoint qualified attorney for replacement of Associate/Alternate Judge for Odessa Municipal Court.** Carlos Rodriguez, Municipal Court Judge, stated that Municipal Court had three alternate associate judges that handled the magistrate during the weekends and holidays. He stated that Stewart McKeehan's was retiring August 5, 2023 and Council's authority was to appoint the alternate associate judges. He reviewed the requirements of the associate judge. He reached out to local attorneys for any interest. Council member Swanner asked about notice being sent to Council on the retirement. Judge Rodriguez was aware a few months ago on the resignation. He informed the Municipal Court Committee of the retirement during the July meeting. Mayor Joven asked about the procedure in place for replacing the alternate judges and why not seek the advice of the City Attorney or Interim City Manager. Judge Rodriguez was advised to place on the agenda by Council member's Swanner, Matta and Connell. Mayor Joven stated that the process must be followed.

### Public Hearing

**Open a public hearing to consider a request by S. W. Howell, Inc. for a zone change from (FD), Future Development District, to an (LI), Light Industrial District, on a 4.00 Acre Tract of Land located in Section 25, Block 42, T-2-S, T & P Co Survey, Ector County, Texas. (Located on north side of E Pearl St, approximately 627-feet west of Reed Ave).** Mrs. Shaughnessy stated that the zone change was for Light Industrial on four acres of land for future development. The zone was recommended with a condition. No one came forward and the public hearing was closed.

Motion was made by Council member Matta 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, Connell, Hanie, and Swanner  
Nay: None

**Resolution No. 2023R-51 - Open a public hearing to consider a request a resolution approving the Guidelines and Criteria Governing Tax Abatement in Reinvestment Zones and Enterprise Zones and election to continue eligibility to participate in tax abatement.** Mr. Bernal stated that State law required that the Tax Incentive Guidelines be adopted every two years to continue the ability to do tax abatements. Mrs. Shaughnessy was asked about the enterprise and opportunity zones. No one came forward and the public hearing was closed.

Motion was made by Council member Swanner and seconded by Council member Hanie to approve the resolution with the update on the term date. The motion was approved by the following vote:

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

#### **Ordinance**

**Abandonment of 98<sup>th</sup> St. right-of-way in Section 34, Block 42, T-1-S.** Yervand Hmayakyan, City Engineer, stated that the abandonment of the right-of-way was requested by Occidental Permian. The city would not retain the easements. It would facilitate a 40,000 square foot commercial building. The owner would compensate the City \$11,230.

Motion was made by Council member Matta 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, Connell, Hanie, and Swanner  
Nay: None

#### **Resolution**

**Resolution No. 2023R-52 – MOUTD budget for FY 2023-24.** Doug Provance, MOUTD, stated that MOUTD has been 20 years in business. The budget was split equally with the City of Odessa and the City of Midland for Federal and State grant funds. He reviewed the rides, schedule, and services. He requested \$680,000 which was an increase and would be used to access matching grants.

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

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

**Resolution No. 2023R-53 – Authorize the City to join with the Steering Committee of Cities Served by Oncor (“OCSC”) to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.** Mr. Jones stated that Oncor filed to increase its rates. He recommended to deny the request and send to the Steering Committee.

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

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

**Resolution No. 2023R-54 - Authorize the City of Odessa Police Department to apply for and accept; amending the fiscal budget to appropriate awarded funds as additional revenue and authorizing the expenditure of awarded grant funds from the 2023 BJA Edward Byrne Memorial Justice Assistance Grant Program (JAG).** Mike Gerke, Police Chief, stated that the grant was for \$91,561 from JAG and would be used for equipment and training. The Police Department would receive \$81,271 and the sheriff's office would receive \$10,290. The City would administer the grant and there was no cash match.

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

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

**Resolution No. 2023R-55 - Interlocal agreement with Ector County for the division of the 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) funds.** Motion was made by Council member Swanner and seconded by Council member Hanie to approve the resolution. The motion was approved by the following vote:

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

**Resolution No. 2023R-56 – Contracts award and appropriation of funds for I-20 Utility Relocate Segment 2.** Tom Kerr, Director of Public Works, stated that TXDot had highway improvements from JBS Parkway to County Road 1300. The improvements were a three lane and change the frontage road to a one way. There were utilities in conflict with the project and needed to be relocated. He reviewed the costs with Timco Blasting for the cost of \$4,987,519.03 and Cobb Findley for a cost of \$198,060. TXDot would reimburse the City for the cost after completion of the project. Mayor Joven requested the required City reserve amount from the budget after the expense.

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

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

**Resolution No. 2023R-57 – Appropriate \$4,800,000 for participation in Yukon Rd./Grandview Ave. full intersection reconstruction.** Mr. Kerr stated that Yukon and Grandview intersection was to develop the corner including curb work for future build out. The construction estimate was \$4,690,473.50 with Leeco's responsibility of \$676,987.50 and the City's funding at \$4,800,000. The funds would be out of the 2019 Certificates of Obligation and Impact Fees from Roadway Area 1.

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, Connell, Hanie, and Swanner  
Nay: None

### Miscellaneous

#### **Final presentation, discussion and recommendations of the OFR hazing investigation**

Tommy Sheen, Attorney, reviewed the final OFR hazing report. He stated that there were additional findings and gave an overview of the findings. Over the course of the statements and that the orientation, procedure for new hires was changed drastically over time including reporting. He provided statements from past and current employees that went through the orientation and it deteriorated over time regarding training, employee handbook, standard operating guidelines handbook, and reporting in following the chain of command. The training by the City and Fire Rescue on the grievance process has disappeared. The pattern persisted in dropping in orientation and training over time. Mr. Sheen highlight the City's safety policy from February 7, 2002 that each accident involving an employee or property on the city must be investigated and it was not done. He reviewed the grievance process under the City policy. He explained the process. He stated that Human Resources believed that it served as an advisory capacity and only to answer questions. Human Resources did not investigate unless it was asked to investigate. He stated that Human Resources must follow protocol and it empower the department to be independent. He stated that Fire Rescue had no obligation to report to Human Resources and explained the process. Human Resources and the Safety Departments were no being engaged. He recommended that the policies needed to be updated. He stated that the hazing did not constitute to classify a complex grievance by former City Manager Michael Marrero. Mayor Joven thanked Mr. Sheen for the report.

#### **Appointment of Boards: Midland Odessa Urban Transit District and Tax Increment Reinvestment Zone.** No action.

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

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

The meeting adjourned at 8:28 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Javier Joven  
Mayor