



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

August 3, 2021

On August 3, 2021, a work session meeting of the Odessa City Council was held at 3:00 p.m., Council Chamber, City Hall, 411 W. 8th St., 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; Dan Jones, Senior Assistant 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:

Council member Matta gave the invocation.

Report the results of the petition protesting the issuance of Certificates of Obligation received on July 27, 2021. Mrs. Grimaldo reported that total certified signatures from the petition was 2,155. Total number of signatures required was 2,923. Certified letters from Ector County Election Administrator and Midland County Elections office were received.

Ordinance No. 2021-25 - Remove from the table on an Ordinance authorizing the issuance of City of Odessa, Texas Combination Tax and Revenue Certificates of Obligation, Series, 2021. Motion was made by Council member Matta and seconded by Council member Sprawls to remove from the table. The motion was approved by the following vote:

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

Mrs. Muncy stated the Certificates of Obligation (CO) would not exceed \$95 million and it would award the sale for the Water Treatment Plant rehab. She reviewed the expectations for market and structure for the Water Treatment Plant financing. She reviewed the timing and process for the CO issuance with the receipt of funds the first week of October. The debt was for 20 years. The par amount was \$83,495,000 and a premium of \$12,490,926. Jeff Russell, 1703 Redbud, stated that the petition fell short but the process was learned. He stated that the mechanism for the CO was abused. He stated that a bond issue needed work to educate the people. Council member Matta was not in favor of the CO. He toured the plant and was shocked of the condition but was impressed in how it was kept in operation. He stated that the plant needed to be revamped and with over 12 years of discussion there was no improvements. Other excess CO's funds were used for other projects but could not be used for the plant. He stated that it was unfortunate that the petition failed as faith was needed in citizens for their voices to be heard. He wanted the debt to be paid expeditious. Management's intent was to pay out of the Water and Sewer Fund with no proposed increase but may have a future water and sewer rate increase. Council member Swanner respected the Ector County Republican Party in its efforts. She

stated that constituents had fear in plant failure. She stated that the issue told the story of neglect. She stated that previous Council placed other needs prior to the need of water. She wanted the effort to pay down as soon as possible. Council member Willis thanked the citizens that elected Council. She studied the issues and toured the plant. She had no regrets on any decisions made and had no personal agenda. She stated that all desired to pay the debt as expeditious as possible. Mayor Joven stated that everyone feels that water was essential. He stated that he would not issue debt and would stay consistent. He stated cost was important. He stated to be cautious moving forward.

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

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

Consider calling for a special election on November 2, 2021 to establish an ordinance which would outlaw abortion and declare the City of Odessa as a sanctuary city for the unborn. Mr. Jones stated the intent was to outlaw abortion and explained the Roe vs. Wade if it was overturned. He explained the heartbeat bill. Council member White questioned the cost of the election for an unenforceable issue. Ms. Brooks would research if the calling the election could be on one ordinance reading. Council member Thompson had concerns on the cost. He stated it should share the cost with other entities by waiting until May. Council member Willis asked if this was the best use of energy and time or was it a personal agenda. She stated that Council should be careful with the separation of church and state and could not force a religion on citizens of Odessa. She stated that no abortions were performed in the city. Council member Sprawls was against voting on the issue. He supported a May election for the voters. Moving to May would not bare the entire election cost. Council member White stated it was a difficult issue and it was not Council's decision. She encouraged for individuals to donate time to children in need or become foster parents. She stated that the voters had the right to vote but did not endorse.

David Logan, 408 W. 17th St., asked what the citizens were owed. He stated that Council was sworn on the US Constitution and if this was an attack or did it uphold the constitution. Jim Fletcher, 1519 Pagewood, opposed the sanctuary city as it was nonsense. He stated to listen to the constituents. Zach Pfozgrat, 6500 Eastridge #55, opposed the sanctuary city as there was no enforcement and a waste of time. Matthew Thompson, 402 E. 95th St., stated to consider the constituents as it was a right to privacy. He stated that the ordinance self-imposed belief and failed to respect decisions. Eli Hilbert, 1320 Fairgrounds Rd., Midland, opposed the abortion ban and the abortion has not happened in over 30 years in Odessa. She stated to use the election fund on a water purification plant. Aliza Joiner, 6700 Dixie, stated that all have choice and the right to choose. She stated it was not good for the city and the cost was a waste of time and money. She stated that the City would spend its time and resources. JoAnna Keese, 1516 Verde, stated that the ordinance ran people's lives and conflicted with federal law. She stated it was discriminatory only to women. Ricardo Lopez, 1712 N. Jackson, had concerns with the separation of church and state. He implored to honor and uphold the separation of church and state. Hannah Horick, 408 W. 17th St., opposed the outlaw on abortion. She stated that there were no legal clinics in the city, no exemptions to the ordinance, and a burden on the taxpayers. She stated the ordinance was unenforceable and unconstitutional. Jeff Russell, 1703 Redbud, stated that Lubbock voters approved the ordinance and Planned Parenthood was no longer performing abortions. The ordinance had impact. He stated, as a city, to set the standard as life was valuable and protect the life of the innocent. Mark Lee Dickson, Longview, stated that 30 Texas cities

outlawed abortion. He stated that the ACLU sued eight cities and seven withdrew the lawsuits at no cost to the taxpayers. He stated that Planned Parenthood was interested in Odessa. He stated to let the people be the voice and decide the issue. He supported the ordinance. Mayor Joven supported for citizens to vote on the issue. The estimated cost for the election was \$46,000 to \$50,000. Discussion was held on calling the election for November or May. Council members Swanner and Matta favored to the call a November election. Council member Thompson provided the cost for the City of Lubbock in its lawsuits. He stated that the U.S. Constitution should be upheld. Council member White was not in favor of a November election. Council member Sprawls provided a personal testimony. He stated that Odessa was not performing abortions and not killing babies. Council member Willis stated that Planned Parenthood provided other number of services. Council member Sprawls supported an election for the voters to vote. He supported a May election to share the cost with other entities. Council member Willis questioned the vote on considering calling a May or November election. Mr. Jones stated that the Council could consider calling a May election later in the year. Council had a consensus not to place the calling of a November election on the August 10 meeting.

There was a recess at 4:38 p.m. – 4:52 p.m.

City of Odessa's 2021 Action Plan. Merita Sandoval, Director of Community Service, stated that the Action Plan outlined CDBG and HOME funds projects and goals allocated. The plan would be submitted to HUD and after its approval funds would be received.

Purchase of two Chevy 2500 trucks for Odessa Fire Rescue. Saul Ortega, Assistant Fire Chief, stated that the purchase of the two trucks would replace two older units for the use of the Training Division. The cost for the two trucks was \$143,754 which included lighting, radios, and chassis.

Purchase of three Stryker power load and cot systems. John Alvarez, Fire Chief, stated that the cot systems would replace gurneys. The electronic systems eliminated personnel back injuries. The cost was \$163,979 which included warranty.

Amend original Ector County Odyssey System interlocal agreement. Michelle Cervantes, Fire Marshal, stated that the amendment would provide for 11 additional licenses to access the Ector County database. The cost was \$2,673 annually.

Bid award for construction of new restroom/concession building at Floyd Gwin. Steve Patton stated that project was redesigned that would be like Sherwood Park's restrooms. Four bids were received and recommended Onyx for \$428,500. He stated the bids were competitive.

Amend Chapter 10, "Development Regulations", to add Article 10-4 "Impact Fees"; adopting the Impact Fee Study, establishing water, wastewater, and roadway impact fees per service unit; establishing procedures for the assessment, collection, computation, expenditure, refund, and general administration of impact fees; providing for the establishment of accounts for impact fees; establishing an appeal procedure; and establishing an effective date. Tom Kerr, Director of Public Works/Utilities, stated that the impact fees were at the recommendation from the Capital Improvement Advisory Committee. It provided one year grace period. The effective date was 30 days from final approval which was September 9.

Adopt a new rate review mechanism with Atmos Energy. Mr. Urrutia stated that Atmos filed a rate increase of \$1.2 million annually. The Steering Committee reviewed and after negotiation agreement was settled at \$152,000 for the West Texas cities. Effective date was

December 2021. Atmos had a rate increase last year of \$5.9 million. The average residential bill would increase by \$0.07 per month.

American Rescue Plan Act presentation. Mr. Marrero stated that the Coronavirus Fiscal Recovery Funds had nine component programs. Ector County received \$32 million and the City of Odessa received \$20,322,959. The program supported public health and expenditures funding COVID-19. He reviewed the services and programs to mitigate the spread of COVID. Mr. Marrero reviewed how the funds could be used that included: public health emergency, small business, recovery for tourism, travel, and hospitality, rebuild public sector, address health disparities, investment in housing, educational disparities, promote healthy childhood environments, lost public sector revenue and water and sewer infrastructure. He was contacted by the health industry and food organizations. Council had options available to use the funds. Council member Thompson asked if the County could direct its funds to the hospital. Commissioner Mike Gardner stated it could but it was using its funds on shortfall and upgrade in the courtrooms. Council member White asked about the replacement of lead pipe. She stated that the City had a lot of needs. Council member Thompson stated that the City assisted its funds to the community. He stated that the City had serious drainage issues. Council member Matta asked about funding projects at the Water Treatment Plant. Mr. Marrero reported it could be used for those projects. Council member Sprawls stated that the Derrington Plant should be considered for future improvements. Mayor Joven stated that a bond should identify the needs in detail. Council member Willis stated that the first responders should be covered with the funds. Mayor Joven stated for due diligence. He stated that other surrounding towns should assist with the hospital cost as patients would come to Odessa for treatment. Mr. Marrero stated Council would consider the use of funds at the next work session.

Motion was made by Council member Thompson 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 5:35 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor