



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

August 9, 2022

On August 9, 2022, 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; 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 Lyndel Lee Sr., Tanglewood Baptist Church, and followed by the Pledge of Allegiance and Texas flags.

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

CONSENT AGENDA ITEMS

- A. City Council minutes, July 26, 2022;
- B. City Council workshop minutes, July 26, 2022;
- C. City Council work session minutes, August 2, 2022;
- D. **Ordinance No. 2022-17 - Request by Terri Stangby, owner, for a specific use permit to allow a dance hall or night club in a Retail (R) zoning district on Lot 42, Block 13, Wedgewood (1551 John Ben Sheppard Parkway);**
- E. **Ordinance No. 2022-18 - Amend the Odessa City Code Chapter 4 "Business Regulations"; Article 4-17 "Video Gaming";**
- F. **Ordinance No 2022-19 - Call the 2022 General Municipal Election;**
- G. **Resolution No. 2022R-44 - Emergency Communication District of Ector County 2022-23 budget;**
- H. **Resolution No. 2022R-45 - Authorize additional funds for the plains pipeline lowering associated with the Faudree Linear Detention Basins project;**
- I. **Resolution No. 2022R-46 - City of Odesa's 2022 Action Plan;**
- J. Bid award for maintenance equipment replacement for Parks and Recreation Department;
- K. Bid award for repairs to the Water Treatment Plant freight elevator to TK Elevator Corporation for \$120,618.15;
- L. Award annual lab supplies to Fisher Scientific for category I general supplies and Fox Scientific for category II chemicals and reagents;

Larry Robinson wanted clarification of the grandfather clause for the amended ordinance for video gaming. Mayor Joven stated that the grandfather clause was for the game room that had permits before May 1. Any new permits would adhere to the new ordinance.

Motion was made by Council member Thompson and seconded by Council member Willis to approve the consent agenda. The motion was approved by the following vote:

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

OTHER COUNCIL ACTION

ORDINANCE

Establish speed limits for Estancia Blvd. Hal Feldman, Traffic Engineer, stated that 35 MPH speed limit would be established for the new Estancia Blvd.

Motion was made by Council member Swanner and seconded by Council member White 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

Revisions pertaining to the tier map in the Downtown Odessa Infrastructure and Façade grant program. Casey Hallmark, Downtown Odessa Executive Director, stated that the revised tier map would allow for more participation and encourage downtown businesses to utilize the grant program.

Motion was made by Council member Swanner 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

RESOLUTION

Resolution No. 2022R-47 - Award proposal for the roadway widening of Faudree Road Improvements from SH 191 to Yukon Road Project, and approving amendment #5 to the professional services agreement with Kimley-Horn and Associates, Inc. Tom Kerr, Director of Public Works/Utilities, stated that the bid proposal from Jones Brothers was \$31,527,012.60 with a 10% contingency for the project. The additional design by Kimley Horn would be for \$147,700. The total project cost was \$36,668,487. He reviewed the funds for the project. A savings would be made with the uncertified culvert boxes of \$200,000 and reduction in sidewalks of \$400,000. Council member Thompson stated that if there were funds leftover to keep the original sidewalks as it was a safety issue. The drainage issue was bad, and the concrete cost had a significant increase. Mr. Kerr stated that the project would be 570 working days with a start date of September 19. Larry Robinson stated that \$36 million was extreme as it was a lot of money for 1.6 miles of road. He asked the Council to reconsider new bids and do the roadwork in small increments. Council member Thompson stated that the city is growing and need to keep up with the

roads. Kris Crow stated that there was a significant amount of inflation and spending needed to be controlled. He stated that there were priorities to pay the firefighters and water.

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

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

Resolution No. 2022R-48 - Two-year lease settlement agreement with the University of Texas of the Permian Basin for the use of the property utilized by the Junior league Jurassic Jungle Sprayground and playground. Mr. Marrero stated that the City did not renew the agreement with UTPB for land use of the park. UTPB wanted payment for the fair market value use for the playground and sprayground. The appraised value was \$6,500 monthly. A settlement for a two-year lease that would enable to offset the fee with the credit of the funds provided to UTPB for the sports equipment. The term would end September 2023. Council would need to decide to relocate or maintain at that time.

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, Willis, and Swanner
Nay: None

MISCELLANEOUS

Discuss and consider a policy of video gaming and/or ordinance. Mayor Joven asked for Council to consider an ordinance to no longer issue permits and revoke permit on the anniversary date of the game room permits. He stated that the Home Rule city empowered the Council to issue or not issue permits. He stated that the game room would operate under the permit and there would be no loss of money to the businesses or return of funds from the City. Dan Jones, Senior Assistant City Attorney, reported that the City of Pecos has a game room ordinance passed in 2018 that did not allow game rooms. Mayor Joven stated that the permit would not be reissued and no operation of video gaming machines. Mr. Jones suggested an ordinance to eliminate game rooms. Mayor Joven stated it would not renew permits even with the grandfathered game rooms. He stated that the game rooms were illegal, a nuisance and a drain on resources. He stated that the businesses do not pay sales tax. Council member Willis asked about the illegality and did not condone illegal activity. Mr. Jones was not aware of any lawsuit in Pecos with its game room eliminated ordinance but stated that the City may get sued. He explained the difference of illegal and unconstitutional. He stated that there was no policy or ordinance in Midland. Council member Thompson stated a game room was shut down with a confiscation of \$33,000 which there was a criminal element. Council member Willis was concerned with the financial responsibility and supported the officers and fiscal responsibility. Council member Matta stated that there was a criminal element and it deterred for new businesses to come to Odessa. Council member Swanner stated the game rooms paying out cash did not benefit the city. Mayor Joven stated that the game rooms affect a portion of the community with its subsidizing retirement and addiction. He directed the Legal staff to move forward in crafting an ordinance not permitting game rooms, the permits in existence not be renewed after the anniversary date and outlaw future game room. The ordinance would be reviewed at a work session. Denzel "Ariel" Caldwell stated that there was a difference in gambling and video

gaming. He stated gambling was a matter of statistics and gaming was an enhanced skill. He stated that the ordinance needed to be realistic, just and conducive. Larry Robinson asked the City to consult with the County and have a vision for Odessa. He had two game rooms closed due to enforcement. Kelly Clark stated, as a realtor, her clients keep from moving to Odessa because of crime and education. She stated that Odessa needed to be a better place. Janette Villanueva stated that if the game rooms attract criminals where would the criminals go if the game rooms closed. Mayor Joven stated that the game room attracted criminal activity. Council member Thompson stated that there were reports that have incidents from the game rooms.

Appointment of Boards: Citizens Golf Advisory Committee, Odessa Housing Finance Corporation and Parks and Recreation Advisory Board. Motion was made by Council member White and seconded by Council member Matta for the following appointments

Mark Windham appointed to the Citizens Golf advisory Committee
Dow Kelley reappointed to the Odessa Housing Finance Corporation
Virgil Trowel reappointed to the Odessa Housing Finance Corporation
David Sovil appointed to the Parks and Recreation Advisory Board

The motion was approved by the following vote:

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

Motion was made by Council member Willis and seconded by Council member Thompson 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 7:30 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor