



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

August 22, 2023

On August 22, 2023, a regular meeting of the Odessa City Council was held at 6:03 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; Gilbert Vasquez, District Three; Greg Connell, District Four; Chris Hanie, District Five, and Denise Swanner, At-Large.

Staff present: Norma Aguilar-Grimaldo, City Secretary; John Beckmeyer, 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 Steve Crone, First Baptist Church, and followed by the Pledge of Allegiance and Texas flags.

Proclamations, Presentations and Awards. Council member Matta presented Wyatt Matta Day and recognized his heroism. Oxy committed \$1 million to the Amy Bell Sports Foundation. The City expressed its appreciation.

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

Consent Agenda

1. City Council retreat minutes, August 1, 2023;
2. City Council Work Session minutes, August 8, 2023;
3. City Council minutes, August 8, 2023;
4. Purchase seven 2025 Volvo VHD with Kann side load trucks for \$2,205,197;
5. **Resolution No. 2023R-64 – Emergency Communication District of Ector County 2023-2024 budget;**
6. **Resolution No. 2023R-65 – Install fiber line from the City of Odessa radio core to the Midland County radio core;**
7. Reject proposal for the sale of property – 5th and Grant St.;
8. **Resolution No. 2023R-66 – Renew the yearly service agreement with Motorola Mach Alert.**

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

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

Regular

Motion was made by Council member Thompson and seconded by Council member Vasquez to suspend the rules. The motion was approved by the following vote:

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

Resolution No. 2023R-67 - Requests for oil and gas lease proposals for 3.72 acres aggregate mineral acres in Section 26, Block 42, T-2-S T&P R.R. Co. Survey, A-459 Ector County, Texas (RFP#23-51310-20); 15.895 aggregate mineral acres in Section 34, Block 42, T-2-S, T&P R.R. Co. Survey, A-469, Ector County, Texas (RFP#23-51310-21); 4.46 aggregate mineral acres in Section 25, Block 42, T-2-S, T&) R.R. Co. Survey, A-120 (RFP#23-51310-22); and 11.49 aggregate mineral acres in Section 25, Block 42, T-2-S, T-2-S, T&P R.R. Co. Survey, A-125, Ector County, Texas (RFP#23-51310-19). Steve Pocsik stated that there were 35 acres with mineral rights that was owned by the City. The land was to be leased and there were four proposals

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, Vasquez, Connell, Hanie, and Swanner
Nay: None

Resolution No. 2023R-68 – Dissolve the Tax Increment Reinvestment Zone Number 1 (TIRZ), Bylaws, and Board of Directors. Craig Stoker, TIRZ board member, stated that it was a battle to push forward but supported TIRZ. The TIRZ projects included landscapes and flowerpots on Grant. The TIRZ board wanted to improve and revitalize downtown. He stated that there was some misunderstanding and miscommunication but hope Council would continue to support TIRZ. Mayor Joven was contacted and the Hospital District was not in support of the TIRZ. He stated that there was not much participation, and there was not much revenue. He suggested to dissolve the TIRZ, the Board of Directors and return the funds to the entities. He stated that the entities wanted to think bigger and be more aggressive with downtown revitalization. The board members served with great effort.

Motion was made by Mayor Joven and seconded by Council member Hanie to approve the resolution and return the tax funds to the taxing entities. Council member Matta stated that the development was not ending. Mayor Joven confirmed that downtown would be revitalized with development. The County was the biggest landowner downtown but was not part of TIRZ. The TIRZ's money generated was too small and not growing. Council member Connell acknowledged Mr. Stoker for all the work done. The motion was approved by the following vote:

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

Resolution No. 2023R-69 – P3 Works, LLC management agreement for the management of a Public Improvement District (PID) that will be located at Windmill Crossing. Mr. Jones stated that the agreement was with P3 Works to manage the PID at Windmill Crossing.

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

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

Resolution No. 2023R-70 – Create the Amy Bell Sports Foundation, approve the Articles of Incorporation and appoint three council members to incorporate the Amy Bell Sports Foundation and act as ex-officio members to the Board of Directors. Mr. Jones stated that Council members Thompson, Matta, and Swanner would incorporate the Amy Bell Sports Foundation and be ex-officio on the Foundation.

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

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

Resolution No. 2023R-71 – Amend Resolution 2023R-49 to authorize the City Manager, John Beckmeyer to execute the escrow agreements for the donation of a 94.153-acre tract of land for the construction of a sports complex with Permian Basin Title Services dba Basin Abstract & Title and the City of Odessa. Mr. Jones stated that John Beckmeyer would execute the escrow agreements for the land donation for the sports complex.

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

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

Resolution No. 2023R-72 – Adopt a new rate review mechanism with Atmos Energy. Mr. Bernal stated that the adoption of the new rate would have an average bill increase of \$5.04 for the customer.

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, Vasquez, Connell, Hanie, and Swanner
Nay: None

Resolution No. 2023R-73 – Authorize a pre-development agreement with RADDSPORTS, LLC, and partner of Synergy Sports Charlotte, LLC, for surveying, testing, environmental assessment, and the design and development work for land donated by Mr. Larry Bell for the construction of a multi-use sport center. Jason Boudrie, Synergy Sports, worked with Larry Bell on the escrow and the funding was 107% secured. He reviewed the amenities of the complex. Tiers of sponsorships could be created. The cost estimate of the sports complex was \$70 million. The next steps was the pre-development agreement and construction time of 12 -18 months. Council member Matta stated that college tournaments could be held, and it would attract out of town visitors.

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, Vasquez, Connell, Hanie, and Swanner
Nay: None

Miscellaneous

Discuss and consider terminating and/or procuring insurance broker services and agreements for the City of Odessa. Delia Ortiz, Director of Risk Management, stated that this was the time to start the RFP process for broker services. The agreement for policies was authorized by former Director of Risk Management, Darrell Wells. Mayor Joven asked about the current authorized signatures and was the City Manager an authorized signer. He stated that the Interim City Manager requested the master policy and master census but was denied the information. He questioned the authorized signatures of Ms. Ortiz and Roxanne Wampler and not the City Manager's office. He stated that the master policy must be on file and was concerned with the policy not being provided. He stated that no law was broken but the City should be able to shop broker services that offered the best service for the City. He did not agree with the exclusive broker services. He stated that there was an agreement dated October 16, 2015, that was signed by Mr. Wells that provided exclusivity with one broker of record, STA. The City could not shop for broker of record. Mayor Joven stated that no one should have exclusively. If the agreement was terminated, then it would be open to all.

Motion was made by Mayor Joven to instruct the authorized signer(s) of record to Risk Management City of Odessa Tx Corporation and all of the City of Odessa employees to communicate in all forms via letter, mail, electronic email, verbal, voice recorded any another forms of communication known and unknown to City Manager and City Council. Cancelling any and all known and unknown disclosed and undisclosed both previously and soon to be executed authorized and unauthorized agreed, negotiations signed and soon to be signed an executed in existence and not in existence. All known and/or unknown memorandum of understanding, contractual agreements in existing with NFP corporation insurance, Lmt, LLC, STA Benefits STA LTD all parent companies of NFP STA Benefits, STA Lmt and sub agencies affiliates sister cities, sub-contractors, employees that renewal be revoked, cancelled, terminated as of conclusion of a majority vote by city council. Also City Council instructs Risk Management Delia Ortiz and Roxann Wampler request from Standard the official master policy, master policy censes, any and all policies application, supporting documentation, loss claims information #168071 to the City of Odessa, Roxann Wampler, Ashley Craven, STA Benefits LTD National producer #7560855, Family health, Section 252.024 selection of insurance broker local government code this chapter does not prevent official Master policy, master policy censes ,policy #168071 City of Odessa, Benefit Information. Roxanne Wampler, Ashley Craven, City planner, Risk manager, Family Health Project, Plan Amendment Mission Square, all companies and or affiliates, sister companies sub agencies of STA benefits, have agreements with STA benefits. Ms. Ortiz stated that there were pos and cons to broker of record. Mr. Bernal stated that Mr. Wells controlled the department and instructed Ms. Ortiz to perform duties. He stated that the City did not know what he was doing. Council member Connell seconded the motion. The motion was approved by the following vote:

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

Appointment of Boards: Midland Odessa Urban Transit District, Odessa Housing Finance Corporation, and Tax Increment Reinvestment Zone. Motion was made by Council member Matta and seconded by Council member Hanie to reappoint Thomas Blackstone and Connie Coots to the Odessa Housing Finance Corporation. The motion was approved by the following vote:

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

Executive Session: As authorized by the Texas Government Code Section 551.071(1)(A) and (B)(Consultation with Attorney), the City Council may adjourn into executive session to: Discuss pending litigation and settlement offers with the City Attorney and the attorneys hired by the City of Odessa for the case of Jacob Andrew Nunez and Raquel Marie Stonecalf v. City of Odessa, Cause No. D-22-01-0038-CV. Motion was made by Council member Swanner and seconded by Council member Hanie to go into executive session under 551.071(1)(A). The motion was approved by the following vote:

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

No action was taken in executive session.

Reconvene into open session to take possible action on the executive session.

Motion was made by Council member Vasquez and seconded by Council member Matta to return from executive session. The motion was approved by the following vote:

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

Motion was made by Council member Matta and seconded by Council member Connell to approve a settlement to Jacob Nunez in the amount of \$232,016. The motion was approved by the following vote:

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

Motion was made by Council member Swanner and seconded by Council member Matta to approve a settlement to Raquel Stonecalf in the amount of \$210,000. The motion was approved by the following vote:

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

Motion was made by Council member Matta and seconded by Council member Vasquez to approve a settlement to minor LS in the amount of \$5,000. The motion was approved by the following vote:

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

Motion was made by Council member Connell and seconded by Council member Matta to approve a settlement to minor CS in the amount of \$5,000. The motion was approved by the following vote:

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

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

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

The meeting adjourned at 8:34 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor