



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

August 23, 2022

On August 23, 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; 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; 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 Filo Galindo, Mid-Cities 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, August 9, 2022;
- B. City Council work session minutes, August 16, 2022;
- C. **Ordinance No. 2022-20 – Establish speed limit for Estancia Blvd.;**
- D. **Ordinance No. 2022-21 – Revisions to the Downtown Odessa Infrastructure and Façade grant program tier map;**
- E. **Resolution No. 2022R-49 – Renew janitorial contract for facilities with Professional Janitorial Services through fiscal year 2022-23 with an amendment for additional city facilities;**
- F. **Resolution No 2022R-50 – Fund one-time supplemental budget requests for FY 2022 for \$2,998,194 of current year excess fund revenues (in several funds);**
- G. Award a purchase order to Smith Pump Company for rebuild of Golder Road Pump Station Pump #7 for \$70,557;
- H. Purchase AMR compatible water meters from Badger Meter for \$214,721.28;
- I. Purchase a street crack shooting rig for \$98,956.24;
- J. Purchase a flip screen for use by Streets and Stormwater for \$54,500;
- K. Bid award for the purchase of golf carts for Ratliff Ranch Golf Links for \$297,775.

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

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

OTHER COUNCIL ACTION

Purchase an automated sideload truck for the Solid Waste Department. Mr. Urrutia stated that a sideload truck would be purchased from Bruckner Truck Center to replace a unit that has high maintenance costs and down time.

Motion was made by Council member Thompson and seconded by Council member White to approve the purchase of the automated sideload truck. The motion was approved by the following vote:

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

PUBLIC HEARING

Open a public hearing to consider approval of the request by Saulsbury Ventures LLC, owner, Newton Engineering, agent, to rezone from Light Industrial-Drill Reservation (LI-DR to Light Industrial, Drill Site No. 30-4, Block 3, Parkway Industrial Park and to rezone from Light Industrial (LI) to Light Industrial – Drill Reservation (LI-DR) 4.01 Drill Site Lot 45, Block 3, Parkway Industrial Park, Section 30, Block 41, T-2-S, T&P RY Co. Survey, City of Odessa, Ector County, Texas (north of the intersection of S. Pagewood Ave. and IH 20) (Ordinance - First Approval). Randy Brinlee, Director of Development Services, reviewed the location which was a vacant drill site. The rezone would remove the drill site designations, relocate the drill site and facilitate development. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

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

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

Open a public hearing for Fiscal Year 2022-2023 Budget. Mrs. Muncy stated that the proposed budget was filed on August 8. She reviewed the total revenues and expenditures for the budget. Personnel costs were 39% of expenditures. The change was made to the no new revenue rate. The budget would raise more revenue from property taxes than last year by \$1,949,671. Sales tax was \$44 million. There would be a small increase to the water, sewer and solid waste rates. The water sewer rate increase would pay a portion of the debt payment for the Water Treatment Plant. There was no cost of living proposed as the compensation study was in progress. Total expenditures were \$109,174,118 with 28% for Fire and 30% for Police. Council member Thompson stated that the landfill costs has increased. No one came forward and the public hearing was closed. The budget would be voted on September 13.

ORDINANCE

Discuss and consider repealing and amending the Odessa City Code Chapter 4 “Business Regulations”; Article 4-17 “Video Gaming”. Ms. Brooks stated that this was the first consideration of repealing and amending the video gaming. If the proposed ordinance passed parts of the existing ordinance would be in effect. Dan Jones, Senior

Assistant City Attorney, stated that there were some possible changes on the ordinance that would include enforcement. Ms. Brooks stated that violations of the ordinance would be sent to Municipal Court. The higher offenses would be heard at the County court. The ordinance had a Class C misdemeanor. Council member White asked about enforcement with game rooms continued to operate with violations. Ms. Brooks stated that there could be a write up every day. Mike Gerke, Police Chief, stated that 16 licenses have been revoked due to gambling cases, criminal activity and denied entrance. The game rooms with the revoked permits were not operating. Mr. Marrero reviewed the appeal process. Mayor Joven asked if after January 1, 2023 was it a violation and unable to operate and would game rooms be shut down. Ms. Brooks stated that if it was in the ordinance it could be shut down. Mayor Joven stated that it was clear that the ordinance would include no more additional permits and expired permits would not be reissued. Council member Thompson asked that the illegal activity be included in the ordinance. Council member White wanted tools to make it enforceable. Council member Matta stated that the procedures were in place and the ordinance was working. Mayor Joven reviewed the ordinance including the fine. Ms. Brooks stated the City did not have jurisdiction to increase the fine. Council member Thompson asked that the Legal staff contact the County for the County to consider the City's lead on game rooms. Council member Willis stated that the ordinance was working and did not want all police effort on game rooms as there was a limited police force. She was against illegal activity, but the ordinance was not given its due diligence. Ms. Brooks stated that the Chief was included in the discussions. She would send a draft ordinance by Friday with some changes.

Motion was made by Council member Sprawls 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, Sprawls, and Swanner
Nay: White and Willis

Appoint judges and clerks for the General City Election on November 8, 2022. Mrs. Grimaldo stated that the Texas Election Code required that the governing body appoint judges and clerks for the General Municipal Election and set the rates of compensation. The judges' rate were \$14.00 an hour and the clerks' rate were \$12.50.

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

RESOLUTION

Resolution No. 2022R-51 – Authorize proceeding with a voluntary annexation for 280.68 acres of land in Sections 27 & 28, Block 42, T-1-S, T&P RR Co. Survey, Ector County, Texas (southeast of the intersection of NE Loop 338 and US Hwy 385)

Mr. Brinlee stated that the location was at the intersection of Loop 338 and Hwy 385 for annexation. The purpose was to annex 280.68 acres which was vacant. There would be a development of 1,079 single-family residential lots. He stated that Ector County released the property. At this time, it was not platted.

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, White, Sprawls, Willis, and Swanner
Nay: None

Resolution No. 2022R-52 – SciFi Networks fiber optic network development license agreement. Mr. Marrero stated that the license agreement would be non-exclusive for the installation of a citywide broadband network. The City would grant SciFi the right to access and occupy the public right-of-way. SciFi would assume all costs. The term was for 30 years with six successive ten-year terms. SciFi would make quarterly payments of either \$8,000 or \$2.99 per connected premises. SciFi would be bonded through the construction process, work with city staff on the right-of-way and applicable to all codes. Mayor Joven stated that this was not a public utility, the city did not own and was not providing free or financially subsidizing any programs for the network. Mr. Marrero stated that SciFi had a program to assist with subsidizing the low income or underserved.

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

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

Resolution No. 2022R-53 – Establish a maximum tax rate of \$0.483791 for Fiscal Year 2022-23. Mrs. Muncy stated that the proposed tax rate would be \$0.483791 per \$100 valuation for Fiscal Year 2022-23. The rate was the No-New-revenue rate and was lower than the total Voter-Approval rate. Since the new tax law in 2020, this was the first year that the rate was raised in three years.

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

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

MISCELLANEOUS

Appointment of Boards: Parks and Recreation Advisory Board. Motion was made by Council member White and seconded by Council member Willis to appoint La-Tasha Gentry to the Parks and Recreation Advisory Board.

The motion was approved by the following vote:

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

Motion was made by Council member Sprawls and seconded by Council member Thompson 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 7:06 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor