



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

August 24, 2021

On August 24, 2021, 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; and Mari Willis, District Five.

City Council absent: Council member Denise Swanner, At-Large.

Others present: Michael Marrero, City Manager; Norma Aguilar-Grimaldo, City Secretary; Natasha Brooks, City Attorney; Phillip Urrutia, Assistant City Manager; Cindy Muncy, 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 Doug Herget, Odessa Tabernacle Family Life Center, and followed by the Pledge of Allegiance and Texas flags.

Mayor Joven presented a proclamation for Hope for the Homeless.

Citizen's comments on non-agenda items. None.

CONSENT AGENDA ITEMS

- A. City Council minutes, August 10, 2021;
- B. City Council work session minutes, August 17, 2021;
- C. Addendum to interlocal agreement for school crossing guards;
- D. **Resolution No. 2021R-56 - Emergency Communication District of Ector County 2021-22 budget;**
- E. **Resolution No. 2021R-57 – Use of \$2,045,401 in excess General Fund Revenues to fund one-time supplemental budget requests for FY 2021;**
- F. **Resolution No. 2021R-58 – MOUTD budget for FY 2021-22;**
- G. **Resolution No. 2021R-59 – Nominate Odessa Regional Hospital, L.P. as a Texas State Enterprise Zone Project.**

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

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

OTHER COUNCIL ACTION

Settlement agreement for pending litigation. Dan Jones, Senior Assistant City Attorney, stated that the Risk Committee and the Council reviewed the case. He recommended a settlement agreement for \$75,000 on the personal injury case.

Motion was made by Council member Thompson and seconded by Council member Sprawls to approve the settlement agreement for \$75,000. The motion was approved by the following vote:

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

Award contract to Cooper Construction for the Lee Street building renovation project. Mr. Urrutia stated that the building was at 301 N. Lee. He recommended the bid for \$2,3521,000. The building would house Community Development, Code Enforcement and the Fire Marshal's staff.

Motion was made by Council member White and seconded by Council member Willis to approve the bid award to Cooper Construction. The motion was approved by the following vote:

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

PUBLIC HEARING

Open a public hearing to consider approval of the request by Noe Garcia, lessee, Town & Country Plaza Woodcrest, LTD, owner, for a specific use permit to allow a tavern or lounge (cigar lounge) use in a Retail (R) zoning district on Lot 24, Block 2, Springdale Addition (3131 E University Blvd.) Randy Brinlee, Director of Development Services, reviewed the location. The purpose was for a specific use permit for a cigar lounge. There would be low activity and drinks would be served. The Planning and Zoning Commission recommended for approval with conditions. TABC requirements were met. Noe Garcia, lessee, stated that the lounge would be open from 11 a.m. – 11 p.m. No one else came forward and the public hearing was closed.

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

Open a public hearing for Fiscal Year 2021-2022 budget. Mrs. Muncy stated that the budget would be considered at the September 14, 2021 Council meeting. The budget was filed on August 9. Total revenues for all funds were \$239,780,111 and total expenditures were \$236,327,076. The proposed tax rate was the same current rate. Small incremental water and sewer rates were included at 2.5% increase on each for cost increases, repairs, and replacements. A 4% cost of living increase was included for employees. No one came forward and the public hearing was closed.

ORDINANCE

Amend the Odessa City Code Chapter 11 “Taxation and Finance” Article 11-4

“Downtown Infrastructure and Facade Grants. Tim Edgmon, ODC President, stated that the grants was for Council consideration. Jeff Russell, ODC board member, stated that changes included the Design Review Board makeup of the board. The board included two ODC board members and one Downtown Odessa Inc. (DOI) board member. Other changes included the requirement of two bids for contracts and providing for a development agreement. Mr. Marrero stated that Downtown Odessa recommended to have two ODC board members and two Downtown Odessa board members to the Design Review Board. He stated that it would provide more equity since the DOI did the bulk of the work. Mayor Joven stated that there could be a possible tie. Council member Thompson agreed to keep as presented.

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

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

RESOLUTION

Resolution No. 2021R-60 – Interlocal Agreement with Ector County Independent School District, Ector County Hospital District, Odessa Junior College District and Ector County for the purpose of forming a joint task force committee to address the redistricting issues following the 2020 U.S. Census.

Ms. Brooks stated that the agreement was with the taxing entities and to form a task force committee to address the redistricting from the Census. The ten member committee would include the City Manager and one Council member. Council member Matta recommended Council member Swanner to serve on the committee.

Motion was made by Council member White and seconded by Council member Sprawls to approve the resolution and appoint City Manager Michael Marrero and Council member Swanner to serve on the committee. The motion was approved by the following vote:

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

Resolution No. 2021R-61 – Amend the Odessa Development Corporation Bylaws.

Mr. Edgmon stated that changes to the bylaws were for consistency. Some of the changes included increasing the ODC board members from five to seven members and adding qualifications to serve on the Compliance Committee.

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

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

Resolution No. 2021R-62 – Odessa Development Corporation General Development Plan and Resolution No. 2021R-63 - Six economic development contractor agreements

for FY 2021-2022. Mr. Edgmon stated that the Hispanic Chamber of Commerce request was removed and not included. The CVA budget was less than past year. The Black Chamber of Commerce asked for less funds. The General Development Plan was the same.

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

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

Resolution No. 2021R-64 – Downtown Infrastructure Grant for La Catrina and Company. Alexa Moulakis, Downtown Event Coordinator, stated that La Catrina located at 301 W. 2nd St. for an upscale western boutique. The grant for \$5,114.81 would be used for the HVAC system.

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

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

Resolution No. 2021R-65 –Odessa Development Corporation budget for FY 2021-2022. Mrs. Muncy stated that ODC's budget total revenues was \$9,650,000 and total expenditures was \$2,563,713. Budgeted Business Incentives were \$55 million.

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

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

Resolution No. 2021R-66 – Establish a maximum tax rate of \$0.477115 for fiscal year 2021-22. Mrs. Muncy stated that the proposed maximum tax rate was \$0.477115 per \$100 valuation for fiscal year 2021-22. The proposed rate was lower than the no-new-revenue rate of \$0.482494, and lower than the current voter-approval rate of \$0.497231 with a carryover increment rate of \$0.004802 for a total voter-approval rate of \$0.502033. The rate represented no change from last year. The first vote will be on September 14, 2021, and the final vote on September 21, 2021. There were no changes to exemptions that included homestead, over 65 and disabled. Mrs. Muncy stated that for the over 65 exemptions there was \$101,491,661 in value. The total exemptions in value were \$2,405,786,717.

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

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

To consider, discuss and take any necessary action regarding any and all issues related to COVID-19. Russell Tippin, CEO Medical Center Health System, reported that COVID patients went down to 89. He stated that the nurses and all staff needed prayers as they were tired. The patients seen were younger. He thanked the Council for the support. Christin Timmons, MCHS Chief Nursing Officer, reported that the staff was tired and were working hard. There were 74 openings and hoped to get State help with nurses. The average COVID patients were 40 to 55 years of age. Mr. Tippin stated that COVID patients on Saturday was over 103. About 92% patients were unvaccinated and 8% vaccinated. He stated that the infusion center was going well. Council member Thompson expressed appreciation to the nurses. Council member Willis expressed a big thank you to all the hospital family. Rodd Hubber, Assistant Fire Chief, stated that the Incident Command Center was opened. Fire Rescue assisted with the Infusion Center set up. He was working on logistics with testing centers that would be self-sufficient. Council member Thompson would like to have the vaccine locations be provided for the citizens. Vaccinations could be received almost any of the pharmacies. Mr. Marrero stated that there were several events that the city participated. He reviewed the list of upcoming events. He asked for Council direction in proceeding with the events. Council member White was concerned in cancelling two years in a row. Council member Thompson stated to practice protocols. Council member Willis stated to move forward cautiously and be vigilant. Council member Spawls stated to proceed cautiously. Council member Matta stated to keep going with the events. Mayor Joven stated to proceed with caution and take precaution.

James Paul Moody, MD, thanked the hospitals. He stated that vaccinations had its pros and cons and discussions should be made on the steps to take when tested positive. He stated that early intervention showed a good outcome with outpatient treatment. Olivia Rivas was vaccinated but had COVID. She had breathing treatments and within 72 hours had an improvement. She stated that treatment could be done at home and thanked the doctors. Charles Lively, MD, thanked the Council and Medical Center Hospital. He provided the background on treating a virus. He stated that there was a successful algorithm treatment for COVID. He explained the algorithm treatment that included vitamins and therapy. He stated that it was effective with COVID patients that do not need hospitalization if done early.

Appointment of Boards: Emergency 9-1-1 Advisory Board, Historic Preservation Commission, and Tax Incentive Committee. Motion was made by Council member Willis and seconded by Council member Matta to reappoint Mike Gerke to the Emergency 9-1-1 Advisory Board.

The motion was approved by the following vote:

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

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

Aye: Joven, Matta, Thompson, Spawls, and Willis
Nay: None

The meeting adjourned at 7:25 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor