



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

**September 13, 2022**

On September 13, 2022, a regular meeting of the Odessa City Council was held at 6:00 p.m. in the Council Chambers, 5<sup>th</sup> floor, City Hall, 411 W. 8<sup>th</sup>, Odessa, Texas.

City Council present: Mayor Javier Joven; Council members: Mark Matta, District One; Detra White, District Three; Tom Sprawls, District Four; Mari Willis, District Five, and Denise Swanner, At-Large.

City Council absent: Council member Steven P. Thompson, District Two.

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 Denzel Caldwell and followed by the Pledge of Allegiance and Texas flags.

Mayor Joven presented the National Literacy Month proclamation.

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

**CONSENT AGENDA ITEMS**

- A. City Council minutes, August 23, 2022;
- B. City Council work session minutes, September 6, 2022;
- C. **Ordinance No. 2022-22 – Appointment of judges and clerks for the General City Election on November 8, 2022;**
- D. **Ordinance No. 2022-23 – Amend Chapter 4 “Business Regulations”; Article 4-17 “Video Gaming”;**
- E. **Ordinance No. 2022-24 – 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);**
- F. **Resolution No 2022R-54 – Authorize the Police Department to apply for and accept; amending the fiscal budget to appropriate awarded funds as additional revenue and authorizing the expenditure of awarded grant funds from the 2023 Bullet-Resistant Shield Grant Program;**
- G. **Resolution No. 2022R-55 – MOUTD budget for FY 2022-23;**
- H. ESRI contract renewal for an additional three-year term;

- I. Contract award to Officewise for purchase of office supplies.

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

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

#### **OTHER COUNCIL ACTION**

**Ratifying the property tax revenue increase reflected in the FY 2022-23 annual budget.**

Mrs. Muncy stated that ratification of the property tax revenue was required as the FY 2022-23 budget reflected a tax revenue increase. There was a slight increase in the tax rate with the No-New-Revenue tax rate of \$0.483791. The final vote would be on September 20, 2022. The annual budget would raise more total property taxes than last year by \$1,949,671.

Motion was made by Council member White and seconded by Council member Willis to ratify the property tax revenue increase. The motion was approved by the following vote:

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

#### **PUBLIC HEARING**

**Open a public hearing to consider approval of the request by 87<sup>th</sup> Street Partners, owner, to rezone from Multi-Family Residence-Two (MF-2) to Retail (R) a 0.62 acre tract, a 1.34 acre tract, and a 1.16 acre tract situated in Sections 38 & 39, Block 42, T-1-S, T & P Ry Co. Survey, City of Odessa, Ector County, Texas (northwest of the intersection of Evans Blvd. and E. 87th St.).** Randy Brinlee, Director of Development Services, reviewed the location which was vacant. The rezoning would provide for services and goods in the residential area. The Planning and Zoning Commission recommended approval of the Planned Development Retail with adoption of conditions. He reviewed the conditions. There were concerns from area residents, but the concerns were addressed with the conditions. No one came forward and the public hearing was closed.

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

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

**Open a public hearing to consider the request by Betenbough Homes, owner for annexation and original zoning of Special Dwelling District (SPD) on 206.277 acres, Special Dwelling District–Surface Drainage (SPD-SD) on 61.543 acres and Special Dwelling District–Drill Reservation (SPD-DR) on 4.082 acres on an approx. 280.68-acre tract 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 reviewed the location which was vacant. The purpose was for annexation of 280 acres in the city for residential development of 1,079 lots. A service plan was included and approved by the Planning and Zoning Commission. 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 first public hearing of annexation. The motion was approved by the following vote:

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

### ORDINANCE

**Modify the list of signalized intersections, prohibited parking zones and parking meter zones.** Hal Feldman, Traffic Engineer, stated that updates would be made for the added signalized intersections, prohibit parking zones on Estancia Boulevard and remove parking meters of 4<sup>th</sup> St. between Texas and Jackson.

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

**Declare the unopposed candidates to be elected to the office as Council member District Three and Four.** Mrs. Grimaldo stated that Districts Three and Four each had uncontested candidates. A certification of unopposed candidates was provided. The ordinance would declare the unopposed candidates elected and would go into office after the election.

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

**Water rate change.** Mrs. Muncy stated that there was a 6% water rate increase due to the rising cost of equipment, debt service, maintenance and replacement of water lines. The rate would be effective October 1, 2022. The rate increase consisted of a 2.5% of regular increase and 3.5% to pay for the debt issuance.

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

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

**Sewer rate change.** Mrs. Muncy stated that there was a 6% sewer rate increase due to rise in costs of equipment, debt service, and sewer replacement. There were discounted rates for the seniors and disabled.

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

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

Nay: None

**Solid waste rate change.** Mrs. Muncy stated that there was a 3.5% solid waste rate increase due to the rising cost of fuel and tipping fees.

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

**Levy the tax for the 2022 tax year, Fiscal year 2022-203.** Mrs. Muncy stated that to levy the tax by adopting a tax rate of 48.3791 cents per \$100 property valuation. The proposed tax rate provided for the continuation of exemptions that included homestead, senior and disabled exemptions. The total taxable value was \$10,563,344,315 which was a 3.28% increase compared to the prior year.

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

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

## RESOLUTION

**Resolution No. 2022R-56 – Odessa Development Corporation (ODC) General Development Plan and Resolution No 2022R-57 - Economic development contractor agreements for FY 2022-2023.** David Boutin, ODC President, stated that the General Development Plan was like prior years but had a few changes. He reviewed the changes that included a messaging program on the oil and gas. It would provide a partnership with Midland Chamber and PSP to provide a positive message to the federal and state levels. There were five contract agreements and financial reporting would be ensured. The workforce housing \$5 million was removed. He reported that Rhodes did not submit its request to ODC. The Compliance Committee discussed the request. Rhodes has not executed the business incentive agreement as it was on hold. The tier map was changed to expand to outer areas for the façade and infrastructure program. There was no dollar amount allocated for the oil and gas messaging, but the goal was to help support the oil and gas industry with the PSP and Midland Chamber.

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

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

**Resolution No. 2022R-58 – Support for TxDOT to seek rail funding in this upcoming Texas Legislative Session.** Mr. Feldman stated that the Texas Rail Advocates was seeking cities' support for TxDOT to receive rail funding for freight and passenger rail in the Texas legislative session.

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

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

**Resolution No. 2022R-59 – Review and approve City’s Investment Policy and the approved brokers/dealers and financial institutions list.** Larry Fry, Director of Finance, stated that State law required approval of the City’s Investment Policy and approved broker/dealer and financial institution list annually. The policy identified objectives, outlined reporting, officers and the brokers and dealers list.

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

**Resolution No. 2022R-60 – Adopt the City of Odessa FY 2022-23 annual budget.** Mrs. Muncy stated that total revenues was \$252,989,494 and proposed expenditures was \$255,271,002. The budget was filed on August 8 with the City Secretary. Sales tax was proposed at \$44 million. The 4% cost of living increase from April was included. A compensation study was in progress.

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

**Resolution No. 2022R-61 – Odessa Development Corporation budget for FY 2022-2023.** Mrs. Muncy stated that the ODC budget had revenues at \$11,580,000 and expenditures of \$2,425,097. The business incentives line item was \$58 million. The audit services was increased due to a higher cost and more grants have been added. An RFP was being considered for compliance review.

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

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

**Resolution No. 2022R-62 – Adopt a new rate review mechanism with Atmos Energy.** Mr. Urrutia stated that Atmos filed for a rate review mechanism in April to increase rates. The West Texas Steering Committee’s legal counsel negotiated a settlement of \$6.72 million from the request of \$8.77 million to be effective October 2022. The cost increase for residential customers was 6.21% and commercial customers was 5.11%.

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

**Resolution No. 2022R-63 – Public Improvement District (PID) policies and guidelines.**

Mr. Urrutia stated that the policy would provide a PID for residential development. It would allow expanding park property and was a voluntary process. The land would be city owned and the city would improve the property. The PID petition must be approved by the City Council.

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

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

Each member of the City Council thanked and expressed appreciation to Mr. Urrutia for the great job at the City and would be missed.

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

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

The meeting adjourned at 7:01 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Javier Joven  
Mayor