



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

**September 27, 2022**

On September 27, 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; 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; 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 Daniel Perez, Odessa Bible 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, September 13, 2022;
- B. City Council work session minutes, September 20, 2022;
- C. **Ordinance No. 2022-26 – Request by 87th Street Partners, owner, to rezone from Multi-Family Residence-Two (MF-2) to Planned Development-Retail (PD-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.);**
- D. **Ordinance No. 2022-27 – Modify the list of signalized intersections, prohibited parking zones and parking meter zones;**
- E. **Ordinance No. 2022-28 – Water rate change;**
- F. **Ordinance No 2022-29 – Sewer rate change;**
- G. **Ordinance No. 2022-30 – Solid waste rate change;**
- H. **Resolution No. 2022R-64 – Purchase Fire Rescue uniforms for all OFR personnel for \$91,000;**
- I. **Resolution No. 2022R-65 – Amend City Council travel policy;**
- J. **Resolution No. 2022R-66 – Time extension to Family Promise of Odessa to expend CDBG funds to provide assistance to homeless families with children.**

Motion was made by Council member Willis and seconded by Council member Sprawls 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

### PUBLIC HEARING

**Open a public hearing to consider approval of the rezoning request by Wyly & Fredna Brown Family Partnership, LTD, owner, LCA, agent, for Planned Development-Retail (R) Zoning District on a 1.74 acre tract in Section 4, Block 41, T-2-S, T&P RR Co. Survey, City of Odessa, Ector County, Texas (south of the intersection of Rocking L Ranch Rd. & P Bar Ranch Rd.).** Randy Brinlee, Director of Development Services, reviewed the location which was vacant. The purpose was to develop a retail lot and single family residential development. The Planning and Zoning Commission recommended approval. No one came forward and the public hearing was closed.

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, 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 neighborhood park and a pocket park were included for the area. The Planning and Zoning Commission recommended approval. No one came forward and the public hearing was closed.

Motion was made by Council member Thompson and seconded by Council member Matta to approve the public hearing on second and final approval. The motion was approved by the following vote:

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

### ORDINANCE

**Voluntary annexation requested by Betenbough Homes, owner of approximately 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 stated that the annexation was defined.

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, Sprawls, Willis, and Swanner  
Nay: None

**Ordinance No. 2022-31 - Declare the unopposed candidates to be elected to the office as Council members District Three, Four and Five, and cancelling the November 8, 2022 General Election.** Mrs. Grimaldo stated that candidate Shaye Lane submitted a certificate of withdrawal from the November 8 election. Districts 3, 4 and 5 were uncontested. The ordinance would declare the uncontested candidates elected, Gilbert Vasquez elected as Council member District 3, Greg Connell elected as Council member District 4 and Chris Hanie elected as Council member District 5. The ordinance would also cancel the November 8 General Election. Mr. Connell and Mr. Hanie were introduced.

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

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

### RESOLUTION

**Resolution No. 2022R-67 – Ector County Utility District (ECUD) wholesale water rate for the 2022-2023 contract term.** Thomas Kerr, Director of Public Works/Utilities, stated that on November 10, 2020 the City Council approved a new wholesale water supply contract with ECUD for the City to supply water to ECUD for the purpose of resale to its customers. The contract has a rate model to calculate the water rate. NewGen calculated the new rate at a monthly fixed charge of \$139,724 plus a volumetric charge of \$1.2829/1000 gallons for a comparative rate of \$3.83/1000 gallons.

Motion was made by Council member Sprawls and seconded by Council member Thompson 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-68 – Purchase two replacement engines and one replacement ladder truck for \$3,313,332.51.** Saul Ortega, Assistant Fire Chief, stated that there would be two engines and one ladder truck purchases. The trucks were being purchased due to the 30 months build out time frame. Council member Thompson applauded the staff on the foresight to purchase the equipment.

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

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

### MISCELLANEOUS

**Discuss Odessa Fire Rescue.** Council member Swanner stated that after 11 weeks of discussing the Odessa Fire salaries, there have been 11 employees that left the department. Council member Matta wanted to see what the Council could do to assist. John Alvarez, Fire Chief, stated that 30 people left the department from the beginning of the year and reviewed each reason for leaving. There were eight people that left for another fire department. There were mixed reasons for leaving and was told that there was a morale issue. He stated that things get turned around beyond control of administration. He stated

that OAP was stirring the issue with slander and attacks with the department. He stated that the problem was not involving administration and members of the Association were meeting with Council members. He stated that there was negativity and found it offensive and was dragging the department down. He worked for both the City Manager and the department and being side stepped was a problem. He asked to trust the leadership. Council member White stated that the discussion with certain council members and others was against fire and city administration. Council member Swanner stated that if it was addressed properly it would not be an issue and it was her duty to Council and the men and women who protect the city. Council member White supported Fire Rescue and there was a mechanism in place for Police, Fire Rescue and Public Safety to address the salary issues and with everyone in the city. She stated this was very critical. Council provided stations and equipment to personnel. She stated that there were no one against Fire Rescue. Funds would need to be identified for all employees. Council member Matta stated that there was equipment, but the greatest asset was personnel and personnel was needed to utilize the equipment. Chief Alvarez reported that 44 personnel was added to the department and advocated for department personnel. He stated that pay was a problem. Council member Thompson stated that the discussion should not be discussed in open meeting as it was the job of the Fire Chief and City Manager. He stated it was uncalled for and it was micromanaging. Nick Schrock reported that Pecos and Reeves County were hiring 35 personnel and the consultant was compiling the information, but the department was losing one person a week. He stated Steven Ramirez had over 13 years of service and left due to not feeling appreciated and no appropriate pay. He stated that the bleed needed to stop. Josh Herron stated that Odessa was the busiest fire department and provided stats from other cities. There were 169 personnel on duty. The employees were appreciative of the equipment but there were no new employees for the department. There were not enough personnel to oversee the equipment and accountability went down. He wanted to help stop the bleed but was not trying to sidestep the Fire Chief or anyone. He was not complaining just wanted a plan to help to recruit and retain. Chris Hanie ran for office to help the city and stated that this was a travesty. He stated that there was a morale problem. Kriston Crow stated that the fire personnel were true assets and it was not just a business decision. He stated that there was a morale problem and there were issues. He stated that if complaints were not addressed then it should go to the top. He stated that there was a \$1 million art project and funds should go back to the infrastructure of the city. Council member Sprawls asked why this issue was being discussed as there was a third party study being conducted. He asked why not wait until the study was completed. Council member Matta stated that more people may leave and why wait for the study since there was a problem. Council member Swanner stated that ARPA funds were available. Council member Willis appreciated the firefighters and there was a study voted. She stated that the police and public service were important and were also at the top for the study.

Council member Swanner called the question. Motion was made by Council member Swanner to give raises: firefighters at \$65,823, captains at \$84,675, division captains at \$94,183, and battalion chief at \$103,492. Mr. Marrero stated that the results were being compiled. Charles Hurst, Director of Human Resources, stated that the Evergreen recommendations would be made at the October 11 Council meeting. The consultant was listening to other employees and comparing a target market that was including communities not in our geographic area. Council member Matta seconded the motion. Council member Swanner stated that there were \$10 million in ARPA funds, \$1 million of ORMC funds not used, and \$3 million that Medical Center would pay back.

The motion failed by the following vote:

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

Council member Thompson stated that this set a terrible precedent as next time it would be the Police Department, administration, sanitation, or water departments. He stated it was not a way to run a business and should work through channels. He stated it was not acceptable and not the way it was set up in the Charter. He stated that the City Manager ran the City through the departments. He stated going to the City Council was improper, discouraging and alarming. He was a proponent of the Fire Rescue and Chief Alvarez and believed in the management. Council member Willis thanked the fire personnel. She agreed and two weeks was not a long time to wait as there was a method of doing things. Mayor Joven thanked the fire personnel for their passion and service.

**Consider International Game Room appeal per request of operator.** Jose Dominguez requested the opportunity to reopen the game room as his license was revoked for denial of entry. He did not want his rights violated and had the right to refuse service. He would like to donate and help the Fire Rescue and was willing to give a percentage. Mayor Joven stated a response with the decision will be done with a letter. Mr. Marrero denied the appeal. An appeal request was made with Mr. Marrero within 21 days of the revocation. Mike Gerke, Police Chief, reviewed the report as undercover officers were refused entry which was a violation of the ordinance. Mr. Dominguez went to the City Secretary's office with a verbal request of an appeal to the Council. Mr. Dominguez stated that he would not let everyone in the game room. Mayor Joven stated that the proper protocol was not followed with a written appeal request. He stated that there was no clear process.

Motion was made by Council member Sprawls and seconded by Council member Thompson to deny the appeal. 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 7:45 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Javier Joven  
Mayor