



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

October 24, 2023

On October 24, 2023, 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; Gilbert Vasquez, District Three; Greg Connell, District Four; and Chris Hanie, District Five.

City Council absent: Council member 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 Council member Hanie and followed by the Pledge of Allegiance and Texas flags.

Proclamations, Presentations and Awards. Mayor Joven presented proclamations for Community Planning Month and recognized Larry Lee, Larry Bell and John Bushman. Hugh Gibson explained the Public Protection Classification the schedule and distribution of the evaluation. The City of Odessa had a score of 90.23 which brought up the ISO rating to a Class 1. A Public Protection Classification award was presented to Odessa Fire Rescue.

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

Consent Agenda

1. City Council work session minutes, October 10, 2023;
2. City Council minutes, October 10, 2023;
3. **Ordinance No. 2023-28 - Request by Betenbough Homes, LLC, owner, for a zone change from (SPD), Special Dwelling District to (PD), Planned Development District for Housing Development including Special Housing Types out of a 223.04-acre tract of land situated in Sections 27 and 28, Block 42, City of Odessa, Texas. (Generally located on the northeast corner of the intersection of Andrews Hwy and E 100th St.);**
4. Renew radio system maintenance and support services between the City of Odessa and Motorola Solutions Inc. as listed in Service Agreement Contract USC000066183 in amount \$447,693 for the duration of October 1, 2023 to September 30, 2024;
5. Renew software maintenance between the City of Odessa and SHI Government Solutions for Microsoft License Enterprise Agreement, for software licenses utilized by the City of Odessa for \$408,288.30;

6. Bid award to DPC Industries for liquid gas chlorine for use in the Water Treatment Plant and the Bob Derrington Water Reclamation Plant;
7. **Resolution No. 2023R-96 - Yearly subscription for ESO Fire-reporting system for \$57,159.46;**
8. Reject bid from Advanced Environmental Services for the removal of three commercial structures.

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

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

Regular

Tabled - Four percent cost of living adjustment (COLA) increase for the City of Odessa employees not addressed in the 2023-2024 budget. Mr. Jones stated that the general employees received a 4% COLA increase except for public safety. Council member Thompson asked for the cost for the increase for public safety. Council member Matta stated that the cost was needed and would fall behind if not given. A substantial raise was given to the public safety in January. Mr. Beckmeyer asked that it be revisited in January until the cost was identified, and compression was being addressed. The public safety raise used ARPA funds.

Motion was made by Council member Thompson and seconded by Council member Connell to table the item and consider at the December 12 meeting with cost and compression was addressed. The motion was approved by the following vote:

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

Public Hearing

Open a public hearing to consider request by Occidental Permian, Ltd., owner, to Rezone from (PD-LI) Planned Development-Light Industrial District to (R) Retail District, a 6.33-acre tract, Section 34, Block 2, City of Odessa, Ector County, Texas (Generally located on the southeast corner of the intersection of Andrews Hwy and East 98th Street). Elizabeth Shaughnessy, Director of Development Services, stated that the rezone was to retail for a 6.33-acre tract. The purpose was for a commercial building. There would be a buffer around the area. John Landgraf stated that Oxy was building an office building. No one else came forward and the public hearing was closed.

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

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

Ordinance

Amend the City Code of Ordinances Chapter 1, Section 1-7 Boards and Commissions. Ms. Grimaldo stated that the two amendment was to remove the TIRZ board from the Code

as it was dissolved and to provide for two alternate members on the Planning and Zoning Commission.

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

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

Resolution

Resolution No. 2023R-97 – Appoint a member to the Ector County Appraisal District (ECAD) to represent the City of Odessa. Ms. Grimaldo stated that the City had a representative serving on the ECAD board. Jeff Fambro agreed to serve.

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

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

Miscellaneous

Post the job description of Presiding Municipal Court Judge and Associate Municipal Court Judge positions and accepting applications for said positions. Mr. Jones stated that the municipal court judges had a two-year term from January – December. He stated it was time to post the job description and accept applications.

Motion was made by Council member Matta and seconded by Council member Thompson to post the job of Municipal Court Judge and Associate Municipal Court Judge and accept applications. The motion was approved by the following vote:

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

Appointment of Boards: Midland Odessa Urban Transit District and Odessa Housing Finance Corporation. No action.

Appointment and contract approval for City Secretary. Mr. Jones stated that the City Secretary has served for 25 years and has never had a contract. The City Manager and City Attorney have a contract. The City Secretary, as an appointee, should be considered to have a contract to have certain guarantees and be in line with the other two appointees. Council member Vasquez stated that it would provide a level playing field. Mr. Jones stated it was the same terms of the contract as the City Manager. Council member Thompson stated it was well deserved and overdue.

Motion was made by Council member Hanie and seconded by Council member Matta to provide Norma Aguilar-Grimaldo with a contract as City Secretary. The motion was approved by the following vote:

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

Discuss the result of the Odessa American lawsuit against the City of Odessa. Mayor Joven stated that the lawsuit initiated over the 2019 mass shooting for information not released in a timely manner. In 2020, a lawsuit was filed and years later the Texas Supreme Court denied the Odessa American's appeal. The City staff received a lot of criticism, and an audit was done. The newspaper wanted to change receiving information from promptly to immediately. The Public Information Act will remain as it stood. The lawsuit would have affected all governmental bodies across the State of Texas. Mr. Jones stated that the lawsuit cost the City approximately \$382,000 but it was necessary to defend the basic information of the public. Council member Matta stated that the OA requested extensions which delayed the lawsuit, and the City never filed an extension. Mayor Joven stated that the City complied before the lawsuit. Mr. Beckmeyer stated that the appeals caused more taxpayers money. Mayor Joven stated that the City had a good team and did a great job. Mr. Jones thanked the Council for doing the right thing in fighting for the victims.

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 Ivan Ledesma v. City of Odessa, Cause No. D-20-09-0969-CV. Motion was made by Council member Connell and seconded by Council member Vasquez to go into executive session under 551.071(1)(A) and (B). The motion was approved by the following vote:

Aye: Joven, Matta, Vasquez, Thompson, Connell, and Hanie
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 Hanie and seconded by Council member Connell to return from executive session. The motion was approved by the following vote:

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

Motion was made by Council member Vasquez and seconded by Council member Connell to provide a settlement of \$100,000 for the case of Ivan Ledesma. The motion was approved by the following vote:

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

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

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

The meeting adjourned at 7:17 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor