



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

November 8, 2022

On November 8, 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; 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 Ben Ford, Grace Christian Fellowship, 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, October 25, 2022;
- B. City Council work session minutes, November 1, 2022;
- C. City of Euless interlocal cooperative purchasing agreement;
- D. **Ordinance No 2022-37 – Amend City of Odessa Fire Code Chapter 5 “Fire Prevention and Protection” Article 5-3-1;**
- E. Award purchase of four side load collection trucks and one roll off truck to Rush Truck Center for a total of \$1,588,615.78;
- F. Award recycling services contract to Butts Recycling, Inc.;
- G. Microsoft licensing agreement for \$408,288.30;
- H. Renew annual HTE Superior software support for \$155,867.05;
- I. Annual purchase of side loading refuse containers, self-contained compactors, and toter 96 gallon nestable carts for \$357,318.

Motion was made by Council member Matta and seconded by Council member Swanner to pull Item F. from the consent agenda. 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 White and seconded by Council member Sprawls to approve the consent agenda Items A-E and G-I. The motion was approved by the following vote:

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

Award recycling services contract to Butts Recycling, Inc. Tom Kerr, Director of Public Works/Utilities, stated that BRI sent a notification with concerns on the options of recycling. Lourdes Perez, BRI Executive Assistant, stated that Kevin Butts had concerns regarding the commercial recycling and the safety of the shredder building. She stated that the company expressed concerns of the building in 2019. She asked that the item be tabled to meet and discuss. Ms. Perez stated that BRI had no knowledge of the RFP. She stated that BRI wanted to move forward with recycling but wanted to discuss. She stated that the commercial was excluded as it was not beneficial but wanted to address the concerns. Mayor Joven read the BRI letter. Mr. Marrero stated that the new agreement would be for service excluding the commercial and no longer using the building. The contract was currently \$5,000 per month. Mr. Kerr stated that the options were at their advisement. He stated that the option was \$354,000 without commercial recycling. He was not aware of their concerns. The RFP expires after the Council meeting and the end of the current contract term was January. Council member Thompson stated that recyclables has contamination.

Motion was made by Council member Sprawls and seconded by Council member White to table the award to the recycling services contract. The motion was approved by the following vote:

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

OTHER COUNCIL ACTION

Resolution No. 2022R-76 – Odessa Rotary Clubs 2022 nominations for the Odessa Rotary Clubs Walkway Walk of Fame at Memorial Gardens Park. Steve Patton, Director of Parks and Recreation, stated that there were nominees for the Rotary Club Walkway Walk of Fame for Memorial Gardens. Mark Flowers, Rotarian, stated that Louis Rochester wanted to honor people that made contributions to the community. The walkway was at Memorial Gardens. He presented the nominees of Bonnie and Charles Cotton, R.C. Paulette, and Miles Eckert to be included on the walkway.

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

Award contract for Sewer Trunk Line “Q” to Harper Brothers Construction. Mr. Kerr, stated that the Line Q was a sewer trunk that would serve from Faudree and BI20 to Parks Bell, north of SH 191. He recommended Harper Brothers Construction for \$13,447,729 plus a 25% contingency for a total cost of \$16,809,661.25. The project was for 440 calendar days which would be completed in the Spring of 2024. Pioneer funds would be used.

Motion was made by Council member Thompson and seconded by Council member White to approve the contract to Harper Brothers Construction for Sewer Trunk Line “Q”. The motion was approved by the following vote:

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

Professional service agreement with KDC Associates for the development, public engagement, design, and specifications for downtown improvements. Casey Hallmark, Downtown Odessa Executive Director, stated that KDC would provide professional services for the next step of design and engineer for the downtown improvements. Council member Matta was in favor of beautifying and revitalizing the downtown but had concerns. He was concerned with only two firms responding. He stated some firms didn't know about the RFQ. He asked that the RFQ be sent out again as the agreement would cost 10% of the \$7 million. Kelly Cook, KDC Associates, stated that professional services had a typical cost of 8% to 12% of the budget. He explained the firms as there were teams. KDC had local firms for the project. He stated that the other firm was not local. Council member Matta stated that there were other firms that were interested in the project. Council member White supported the downtown improvements and was comfortable with KDC. Council members Willis and Sprawls were also comfortable with KDC. Mayor Joven stated that it would be \$3 million per block and there were two blocks. There was a master plan and an updated master plan that identified sidewalks, landscaping, lighting and banisters. He stated that there were people upset.

Motion was made by Mayor Joven and seconded by Council member Matta to table the KDC Associates agreement. The motion failed by the following vote:

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

Motion was made by Council member Willis and seconded by Council member White to approve the KDC Associates agreement for \$648,350. The motion was approved by the following vote:

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

RESOLUTION

Resolution No. 2022R-77 – Chapter 380 Agreement with Wyly and Fredna Brown Family Partnership Ltd. for the development of approximately 126 acres located east of the intersection of Faudree and Highway 191, “Shiloh Square”. Mrs. Muncy stated that the Chapter 380 allowed to develop and expand the economy, promote and encourage development, enhance economic base, diversify and expand job opportunities and create additional revenue for the City. The Wyly and Fredna Brown Family Partnership would promote high quality development. The agreement was for \$7,117,362, the estimated total of the public infrastructure that was being put in place by the developer. Shiloh Square would have a \$20 million investment and a minimum of 100 jobs. The incentive payment would be paid from the property tax revenues generated by the development for a term of 15 years. Mrs. Muncy reviewed their contributions to the City. She provided the estimates of the infrastructure, development plan and projected city taxes. Council member Thompson stated that this was a great private/public partnership as it was a big capital investment. Mrs. Muncy stated that once the \$20 million investment was made and 100 jobs then the rebates would be given. Mayor Joven asked if the Chapter 380 was for new constructed businesses and not a relocation of an existing business. Mrs. Muncy confirmed. She explained other Chapter 380 agreements had addendums. Section 6.2 of the agreement stated that businesses relocated would not apply. Mayor Joven preferred that the actual contract be voted on and not drafts.

Motion was made by Council member Thompson 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

Motion was made by Council member Swanner 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 7:00 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor