

## PUBLIC NOTICE

In accordance with the Open Meetings Act, Chapter 551 of the Government Code of Texas, notice is hereby given to all interested persons that the City Council of the City of Odessa will meet on **Tuesday, January 24, 2023 at 6:00 p.m.** in the Council Chambers, fifth floor, City Hall, 411 W. 8<sup>th</sup> St., Odessa, Texas for the following purposes:

### **See Attached Agenda**

This Notice is being posted on the south door of City Hall and on the bulletin board of the first floor of City Hall, Odessa, Texas, this the \_\_\_\_\_ day of January, 2023 at \_\_\_\_\_ .m., said time being more than seventy-two hours prior to the time at which the subject meeting will be convened and called to order. The public notice is also posted on the City of Odessa's website [www.odessa-tx.gov](http://www.odessa-tx.gov)

City Council Meetings are available to all persons regardless of disability. Individuals with disabilities who require special assistance should contact the City Secretary's Office at 432/335-3276, or 411 West 8th Street, First Floor, Odessa, Texas, during normal business hours at least twenty-four hours (24) in advance of the meeting.

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

**Javier Joven**  
Mayor

**Agapito Bernal**  
Interim City Manager



**CITY COUNCIL**  
**Mark Matta, District 1**  
**Steven Thompson, District 2**  
**Gilbert Vasquez, District 3**  
**Greg Connell, District 4**  
**Chris Hanie, District 5**  
**Denise Swanner, At-Large**

**City Council Meeting Agenda**  
**City Hall, 411 W. 8th St.**  
**City Council Chambers – Fifth Floor**

**January 24, 2023**  
**6:00 p.m.**

- I. Call to order Mayor Joven
- II. Invocation Pastor Wally Schiwart  
New Dawn Fellowship
- III. Pledge of Allegiance and Texas Pledge. Council Member Swanner  
Honor the Texas Flag; I pledge allegiance to thee,  
Texas, one state under God, one and indivisible.
- IV. Proclamations, Presentations, and Awards. Mayor Joven  
  
Citizens comments on non-agenda items.

Any member of the public may address the City Council regarding any of its agenda items before or during the consideration of the item.

**These items are considered to be routine or have been previously discussed, and can be approved in one motion, unless a Council Member asks for separate consideration of an item.**

- V. Consent Agenda
  - 1. Consider approval of Special City Council minutes, January 9, 2023. Norma A. Grimaldo
  - 2. Consider approval of City Council minutes, January 10, 2023. Norma A. Grimaldo
  - 3. Consider prohibiting parking. (Ordinance - Second and Final Approval) Hal Feldman  
Prohibit parking on the northside of Bankhead Hwy. between Faudree and end of road.

VI. Other

- 4. Discuss and consider Interim City Attorney agreement. Council
- 5. Discuss and consider Interim City Manager agreement. Council

Resolution

- 6. Consider necessary authorized representative for reporting in connection with Coronavirus State and Local Fiscal Recovery Funds (SLFRF). Seth Boles  
 Updates are needed for necessary designation of City's SLFRF authorized representative for reporting. Action will add Agapito Bernal, Interim City Manager, and remove Michael Marrero.

7. Appointment of Boards. Council

| Board Name  | Appointed     | Appointed By             | Term Date                |
|---|---------------|--------------------------|--------------------------|
| a. Board of Survey<br>Vickie Gomez                                      | 7-11          | Mayor                    | 11-30-2022               |
| b. Capital Improvement Advisory Committee<br>Mike Withrow               | 8-20          | District 2               | 11-1-2022                |
| c. Historic Preservation Commission<br>Roland Spickermann<br>Grace King | 9-21<br>5-96  | Council<br>Council       | 11-30-2022<br>11-30-2022 |
| d. Midland Odessa Urban Transit District<br>Brady Ross                  | 5-20          | Council                  | 1-31-2023                |
| e. Planning and Zoning Commission<br>Steve Tercero                      | 3-13          | District 5               | 11-30-2022               |
| f. Tax Increment Reinvestment Zone (TIRZ)<br>Jason Harrington           | 1-19          | At-Large                 | 12-11-2022               |
| g. Traffic Advisory Committee<br>Lori White<br>Israel Galvan            | 10-20<br>8-16 | District 3<br>District 5 | 11-30-2022<br>11-30-2022 |
| h. Zoning Board of Adjustment<br>Brooke Harper                          | 9-14          | District 2               | 11-30-2022               |

- 8. Discuss and consider Quality of Life Committee. Council
- 9. Executive Session: As authorized by the Texas Government Code Section 551.074(a)(1) (Personnel Matters), the City Council may adjourn into executive session: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. Council

- a. Municipal Court - Presiding Judge Carlos Rodriguez.

10. To consider opening the position of Municipal Court Presiding Judge and to begin accepting applications for the position.
11. Adjourn.

Council

### **COURTESY RULES**

Thank you for your presence. The City Council appreciates your interest in Odessa City Government.

PLEASE SILENCE OR TURN OFF ALL MOBILE DEVICES.

information requested on the card and deliver to the City Secretary before the meeting or as soon as you can. Speakers will be heard as the individual item(s) in which they have registered an interest come before the Council.

Your remarks will be to three minutes. Consideration will also be given to the number of people wanting to speak on a particular item. PLEASE GIVE YOUR NAME FOR THE RECORD. Delay or interruption of the proceedings will not be tolerated.

### **ASSISTANCE**

Please call (432) 335-3276 if you need assistance with interpretation or translation for this meeting.

*Si usted necesita ayuda con la interpretación o traducción de cualquier material en este sitio o en una reunión pública de la Ciudad de Odessa por favor llame al (432) 335-3276.*

The City of Odessa wants to ensure that City Council Meetings are accessible to persons with disabilities. If any individual needs special assistance or accommodations in order to attend a City Council meeting, please contact the City Secretary's Office at (432) 335-3276, in advance so accommodations can be made.



January 20, 2023

Honorable Mayor and City Council:

The following are a few highlighted Council agenda items for Council consideration at the January 24, 2023 Council meeting:

Consent Agenda

4 & 5. Council will discuss the contracts for the Interim City Attorney and City Manager. Included are the two contracts for your review.

Resolution

6. Consider an updated signature which is required for the City's Coronavirus State and Local Fiscal Recovery Funds for reporting.

If you have any questions on any of the agenda items, please contact me.

Sincerely,

Agapito Bernal  
Interim City Manager

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

|                                  |                                  |                                     |                             |
|----------------------------------|----------------------------------|-------------------------------------|-----------------------------|
| <b>Meeting Date</b><br>1/24/2023 | <b>Contact</b><br>Norma Grimaldo | <b>Department</b><br>City Secretary | <b>Fiscal Impact?</b><br>No |
| <b>Work Session?</b><br>No       | <b>Contacted Legal?</b><br>No    | <b>Item Type</b><br>Regular         |                             |

**CAPTION**

Proclamations, Presentations, Awards.

**SUMMARY**

Citizens comments on non-agenda items.

**Comments/Other Departments, Boards, Commissions or Agencies**

**Supporting Documents**

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

|                                  |                                  |                                     |                             |
|----------------------------------|----------------------------------|-------------------------------------|-----------------------------|
| <b>Meeting Date</b><br>1/24/2023 | <b>Contact</b><br>Norma Grimaldo | <b>Department</b><br>City Secretary | <b>Fiscal Impact?</b><br>No |
| <b>Work Session?</b><br>No       | <b>Contacted Legal?</b><br>No    | <b>Item Type</b><br>Consent         |                             |

**CAPTION**

Consider approval of Special City Council minutes.

**SUMMARY**

Consider approval of Special City Council minutes, January 9, 2023

**Comments/Other Departments, Boards, Commissions or Agencies**

**Supporting Documents**

1-9-23 Special Council.pdf,



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

**January 9, 2023**

On January 9, 2023, a special meeting of the Odessa City Council was held at 9:00 a.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; Gilbert Vasquez, District Three; Greg Connell, District Four; Chris Hanie, District Five; and Denise Swanner, At-Large.

Staff present: Agapito Bernal, Interim City Manager; Norma Aguilar-Grimaldo, City Secretary; Dan Jones, Interim City Attorney; Aaron Smith, 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 Council member Hanie and followed by the Pledge of Allegiance and Texas flags.

**Opportunity for members of the public to address the City Council regarding the following agenda items prior to a vote being taken. Members of the public must have completed a speaker's card and presented it to the City Secretary or Deputy City Secretary prior to the start of the meeting. Pursuant to the City of Odessa Speaker's Guidelines, the speakers are limited to three (3) minutes each.** Gary Dutchover stated that the last mayoral race was campaign smearing. He was concerned with the switch in dynamics and it was a circus. He stated that there was a need to work together and stop the petty comments. Michael Perrin was unhappy with recent events. He asked not act on the issues but to begin by evaluating the City Attorney and City Manager. Austin Keith supported Michael Marrero and Natasha Brooks. His interactions with them were professional. He asked to table the items for the newly elected Council members and talk with them and the department heads. He stated that the evaluations came out positive. He asked about the cost for the process with the Mayor signing the \$300,000 plus contract. Gavin Norris thanked the Council for the opportunity to speak where it was not violating rights. He stated three other lawsuits would be filed. He asked how the two new Council members could evaluate and terminate the City Manager and City Attorney. He requested not to fire Michael Marrero and Natasha Brooks. He stated that they needed to get paid. He stated you don't get rid of people because you don't like them. He thanked Council members Vasquez and Thompson. Mari Wills was thankful for the voices to be heard. She stated that there was a violation for not allowing speakers to speak. She stated that there were leaks and it was not news on the firing of Michael Marrero and Natasha Brooks. She was appalled at the new Council members. She told them to study the facts and know the obligations. She stated that there was a mass exodus with the City and in less than a year Dan Jones was to be primed for City Attorney. Gene Collins, a native Odessan, was appalled. He stated Odessa was spotlighted over the mess and was concerned with the city employees' morale. He worked with Mr. Marrero on projects in South Odessa. He stated that the community was owed a reason for termination. He stated that the City Manager or City Attorney were not a roadblock and not to come with personal agendas. Angie King thanked the Council for the willingness to serve but was concerned for the



dismissal of Michael Marrero who served at an exceptional level. She stated that there was no information to the citizens for the terminations. She asked Mayor Joven if Districts 2 and 3 matter as Council members Thompson or Vasquez had not discussed the contract or knew details of the firm. She stated that the City Manager had the professional skills and background with a heart for the community. She stated that our community faced needs including poverty, adult literacy and uninsured citizens. Tom Sprawls asked why. He stated that at an October Council meeting four appointees were evaluated. He stated that raving reviews were giving by Council member Matta for Michael Marrero and Council member Swanner for Natasha Brooks. He asked where was Mayor Joven for the two retirement of management employees. He asked what the cost will be. He stated Council members Hanie and Connell did not know the two appointees and asked them why they were terminated. Council member Swanner stated she did not give an evaluation. Savannah Morales stated that the December 13 firing, the City Manager and City Attorney were made to leave as criminals and had the interims ready. She stated that the things done were causing division in the city. She was tired with the politics. She stated Mayor Joven would not win the 2024 campaign.

**To consider and take any and all possible action to evaluate and terminate the appointment of the City Attorney Natasha L. Brooks.** Michael Perrin urged to table the item until a formal evaluation was made as it may prevent a horrible mistake. Mari Willis stated that Council members Connell and Hanie did not have a chance to evaluate the work and may not stand on their own. She stated that Natasha Brooks had good morale ethics and thanked Council members Vasquez and Thompson for standing up what was right. She applauded Natasha Brooks for the work done and who stood by the law. She asked Mr. Jones to stand by the law as he had an obligation to do better. She stated Natasha Brooks was a good attorney. Tom Sprawls had the same questions. He saw Mayor Joven scold Natasha Brooks for a draft document. He wanted them to think who they were following. Savannah Morales stated Natasha Brooks carried herself very well and was a fine woman.

Motion was made by Council member Swanner and seconded by Council member Connell to terminate Natasha Brooks effective immediately. Council member Thompson stated it was a travesty and believed it was done in closed doors. He didn't appreciate getting sued because of Council's actions.

The motion was approved by the following vote:

Aye: Joven, Matta, Connell, Hanie, and Swanner  
Nay: Thompson, Vasquez

**To consider and take any and all possible action to evaluate and terminate the appointment of the City Manager Michael Marrero.** Tom Sprawls and Gene Collins had no comment. Mari Willis said it was no surprise. She stated to be careful with "any and all" language as it was not true. She stated that Michael Marrero represented the City well and probably had flaws as other people. She stated people should be treated fairly and they would be okay. She stated Michael Marrero was a good City Manager. She stated the City Manager was for the entire city. Michael Perrin had no comment. Savannah Morales wanted to know about the signing of the contract.

Motion was made by Mayor Joven and seconded by Council member Hanie to terminate Michael Marrero. Council member Thompson resented all this tremendously. He was not consulted or advised on the interim or contract. He stated that Council member Hanie was hypocritical as doesn't live of what he said. Council member Hanie stated he was a Christian

man and prayed to God. He could not believe he called him out on his Christianity.

The motion was approved by the following vote:

Aye: Joven, Matta, Connell, Hanie, and Swanner  
Nay: Thompson, Vasquez

**To consider and take any and all possible action to appoint an Interim City Attorney and to begin the search process for the position of the City Attorney.** Tom Sprawls and Gene Collins had no comment. Mari Willis stated to consider putting in place a qualified City Manager. She stated an Assistant City Manager was hired and was not considered. She stated Agapito Bernal was not properly equipped and wished Dan Jones well. Savannah Morales had no comment.

Motion was made by Council member Matta and seconded by Council member Swanner to appoint Dan Jones to Interim City Attorney and to begin the search process for City Attorney. Council member Thompson asked for an explanation on how to start the search process. He stated that it was an illegal bad contract without an RFP and the training and search for a City Manager. Mayor Joven stated that the search was codified with the vote.

The motion was approved by the following vote:

Aye: Joven, Matta, Connell, Hanie, and Swanner  
Nay: Thompson, Vasquez

**To consider and take any and all possible action to appoint an Interim City Manager and to begin the search process for the position of the City Manager.** Savannah Morales, Tom Sprawls Gene Collins and Michael Perrin had no comment. Mari Willis dittoed Council member Thompson's comments.

Motion was made by Council member Mayor Joven and seconded by Council member Hanie to appoint Agapito Bernal to Interim City Manager and to begin the search process for City Manager. The motion was approved by the following vote:

Aye: Joven, Matta, Connell, Hanie, and Swanner  
Nay: Thompson, Vasquez

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, Vasquez, Connell, Hanie, and Swanner  
Nay: None

The meeting adjourned at 9:58 a.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Javier Joven  
Mayor

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

|                                  |                                  |                                     |                             |
|----------------------------------|----------------------------------|-------------------------------------|-----------------------------|
| <b>Meeting Date</b><br>1/24/2023 | <b>Contact</b><br>Norma Grimaldo | <b>Department</b><br>City Secretary | <b>Fiscal Impact?</b><br>No |
| <b>Work Session?</b><br>No       | <b>Contacted Legal?</b><br>No    | <b>Item Type</b><br>Consent         |                             |

**CAPTION**

Consider approval of City Council minutes.

**SUMMARY**

City Council minutes January 10, 2023.

**Comments/Other Departments, Boards, Commissions or Agencies**

**Supporting Documents**

1-10-23 Council.pdf,



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

**January 10, 2023**

On January 10, 2023, 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; Gilbert Vasquez, District Three; Greg Connell, District Four; Chris Hanie, District Five; and Denise Swanner, At-Large.

Staff present: Agapito Bernal, Interim City Manager; Norma Aguilar-Grimaldo, City Secretary; Dan Jones, Interim City Attorney; Aaron Smith, 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 Shepherd Bud Cagle, New Life Church, and followed by the Pledge of Allegiance and Texas flags.

**Proclamations, Presentations and Awards.** Mayor Joven presented the ECISD School Board recognition proclamation.

**Citizen's comments on non-agenda items.** Dallas Kennedy addressed the issue at the December 13, 2022 Council meeting. He heard allegations on mistreated employees and requested an external investigation on the employee and allegations.

**Consent Agenda**

1. City Council minutes, December 13, 2022;
2. City Council Work Session minutes, January 3, 2023;
3. **Resolution No. 2023R-01 - Accept a donation from Eagle Claw Midstream and appropriate the funds to Odessa Fire Rescue;**
4. **Resolution No. 2023R-02 - Accept a donation from Oxy Company and appropriate the funds to Odesa Fire Rescue;**
5. **Resolution No. 2023R-03 - Work with Motorola Solutions to service our Mach Alert System being used within the Fire Stations;**
6. Purchase police uniforms from GT Distributors for \$60,781.94;
7. Bid award for netting project at Ratliff Ranch Golf Links to Ace Golf Netting for \$65,200;
8. Bid award to Warrior Tank Manufacturing LLC for refuse container replacement panels and bottoms for \$145,000;
9. Bid award to Univar Solutions USA for annual sodium hydroxide for \$952,875;
10. Bid award to Lonestar Freightliner Group, LLC for the purchase of a vacuum/hydrovac truck for \$526,246.07;
11. Renew contract for benefits claims administration with AmeriBen.

Council member Hanie referenced the December 13, 2022 minutes. He stated he doesn't yell or have a reason to yell. He wanted to be addressed as Council member or Councilman but not Council person with the parade banner. He objected to the statements. Mayor Joven explained it was a matter of record and recorded into the minutes. Council member Hanie objected to the validity of the comments that were stated.

Motion was made by Council member Matta and seconded by Council member Vasquez to approve the December 13, 2022 minutes. The motion was approved by the following vote:

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

Motion was made by Council member Matta and seconded by Council member Swanner to approve the consent agenda Items 2 - 11. The motion was approved by the following vote:

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

#### Other

**Bid award for E. 31<sup>st</sup> Street pavement reconstruction from Andrews Hwy. to N. Dixie Blvd.** Yervand Hmayakyan, City Engineer, stated that the lowest bid was from Permian Paving for \$1,450,000. The purpose was to pave 17,000 square yards, replace curb and gutter, sidewalk and install alley approaches. The bid included a \$20,000 contingency for a total cost of \$1,740,000. The project would begin in a month and a half.

Motion was made by Council member Thomson and seconded by Council member Vasquez to approve the 31<sup>st</sup>. Street pavement reconstruction. The motion was approved by the following vote:

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

**Renew group life insurance, AD&D coverage, and retiree life insurance with Standard Insurance Company.** Delia Ortiz, Director of Risk Management, stated that the insurance was for employees and retirees. The third year renewal did not have an increase. Council member Swanner confirmed that she did not vote on the contract in December 8, 2020. Kris Crow stated it was hard to get a guarantee in the rates. He stated that the contract has been with the same company for 29 years and asked to be put to an RFP or RFQ. Ms. Ortiz stated that the City contracted with an agent of record and had contacts with different carriers. Mayor Joven stated that the same broker had limited contacts with certain companies. He stated that the insurance has not gone out for a competitive bid for 29 years. Ms. Ortiz stated that another broker could be used for the policy through an RFP. She stated it would be sent electronic via email and through local print.

Motion was made by Council member Vasquez and seconded by Council member Matta to renew the group life insurance, AD& D coverage, and retiree life insurance with Standard Insurance Company. The motion was approved by the following vote:

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

Mrs. Grimaldo stated that Council member Thompson filed a conflict of interest for the item.

Casey Hallmark explained the events that took place during the lineup of the Christmas parade. She stated that Council member Hanie told her he was not an (explicit) council person but a council member. Mayor Joven stated to refrain from using the actual word. She wanted to have a conversation in private with Council member Hanie. She enjoyed her job. She wanted to meet with the Mayor and each Council member to discuss moving forward for the betterment of Odessa. She stated she was not a liar and would always stand up for herself. She was bullied by Mayor Joven, Council member Matta and Council member Swanner. She stated she was intimidated and pushed around. Council member Swanner had responded via email to contact her supervisor for the meeting. She did not refuse to meet with Ms. Hallmark. Ms. Hallmark read the received text messages from Council members Matta and Swanner. Ms. Hallmark apologized to Council member Swanner as she did not make allegations. Council member Connell was impressed with the Downtown projects. He asked that we move forward and work together. Ms. Hallmark wanted to figure a path forward as she loved her job and Odessa. She would not be quiet but use her voice and stand up for what was right. Council member Hanie stated Ms. Hallmark has lied to him and did not use that language as he was a very Christian man. Mr. Jones stated that an open investigation would be underway.

#### **Ordinance**

**Prohibit parking.** Hal Feldman, Traffic Engineer, stated that prohibited parking would be on the northside of Bankhead Hwy. from Faudree Road to the end of the road. Eighteen wheelers were parking in that area. Signs would be placed for enforcement.

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, Vasquez, Connell, Hanie, and Swanner  
Nay: None

#### **Resolution**

**Resolution No. 2023R-04 - Necessary signatures in connection with City Funds.** Seth Boles, Controller, stated that the added signatures for the Interim City Manager and Assistant City Manager was for the City funds. Signatures from Michael Marrero and Cindy Muncy would be removed.

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

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

**Resolution No. 2023R-05 - Amend the 2022-23 budget and appropriate funds for professional services agreement.** Mr. Bernal stated that a budget amendment would be for the T2 professional services agreement. He stated that the funds would be used from contingency funds set aside. Council member Thompson asked how much funds were available. Larry Fry, Director of Finance, would provide the information to Council.

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

Aye: Joven, Matta, Connell, Hanie, and Swanner  
Nay: Thompson and Vasquez

**Resolution No. 2023R-06 – Public safety employee pay increase.** Mr. Fry handed out the updated schedules for the public safety pay increases as directed from the Council work session. He reviewed the schedule for a total cost of \$3,166,687.43. Council member Vasquez asked about the ARPA funds uses. Mr. Fry stated it would be discussed at the work session. Council member Thompson stated that the federal funds were complex in the use of the funds. He was uncomfortable in using for salaries. Mr. Jones stated that the ARPA funds could be used. Council member Vasquez stated that extreme care must be made with federal funds. Mayor Joven stated Senator Cornyn had a bill in legislation that would have no limitation with the ARPA fund uses but has passed in the Senate and would be considered in the House. Council member Thompson was in favor of the raises but was nervous using the ARPA funds.

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

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

**Appointment of Board: Board of Survey, Capital Improvement Advisory Committee, Downtown Odessa, Historic Preservation Commission, Midland Odessa Urban Transit District, Parks and Recreation Advisory Board, Planning and Zoning Commission, Tax Increment Reinvestment Zone, Traffic Advisory Committee, and Zoning Board of Adjustment.** Motion was made by Council member Swanner and seconded by Council member Connell to make the following appointments:

Kira Bowen appointed to the Downtown Odessa, Inc.  
Rick Matchett appointed to Parks and Recreation Advisory Board  
Craig Stoker appointed to the Planning and Zoning Commission  
John Herriage reappointed to the Tax Increment Reinvestment Zone  
Charles Pierce reappointed to the Tax Increment Reinvestment Zone  
Anthony Rios reappointed to the Zoning Board of Adjustment

The motion was approved by the following vote:

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

**As authorized by the Texas Government Code Section 551.071(1)(A) and 551.071(2) (Consultation with Attorney), the City Council may adjourn into executive session to:**  
**a. Discuss pending litigation with the Interim City Attorney and the attorneys hired by the City of Odessa, Cause No. D-22-12-1462- CV, Gaven Norris v. City of Odessa; and**  
**b. Discuss personnel matters as authorized by the Texas Government Code Section 551.074(a)(2) (Personnel Matters), with the Interim City Attorney and attorneys hired by the City of Odessa to conduct investigations to hear complaints or charges against employees.** Motion was made by Council member Swanner and seconded by

Council member Connell to go into executive session under 551.071(1)(A), 551.071(2) and 551.074(a)(2). The motion was approved by the following vote:

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

Mayor Joven stated no action was taken in executive session.

Motion was made by Council member Vasquez and seconded by Council member Matta to return from executive session. The motion was approved by the following vote:

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

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

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

The meeting adjourned at 7:44 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Javier Joven  
Mayor



**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

|                                  |                                |  |                             |
|----------------------------------|--------------------------------|--|-----------------------------|
| <b>Meeting Date</b><br>1/24/2023 | <b>Contact</b><br>Hal Feldman  | <b>Department</b><br>Traffic Engineering | <b>Fiscal Impact?</b><br>No |
| <b>Work Session?</b><br>No       | <b>Contacted Legal?</b><br>Yes | <b>Item Type</b><br>Consent              | Ordinance,                  |

**CAPTION**

Consider an ordinance to prohibit parking (Ordinance - Second and Final Approval)

**SUMMARY**

Consider an ordinance to prohibit parking on the northside of Bankhead Hwy from Faudree Road and extending west to the end of the road. This request is to address commercial vehicle parking.

Blurb: Prohibit parking on the northside of Bankhead Hwy between Faudree and end of road.

**Comments/Other Departments, Boards, Commissions or Agencies**

**Supporting Documents**

5o-042 Ord- Amending Article 12-3-2 Prohibited Parking.pdf, Location Map.pdf,

**ORDINANCE NO. 2023-\_\_**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING THE ODESSA CITY CODE CHAPTER 12 "TRAFFIC AND VEHICLES" ARTICLE 12-3 "PARKING, STOPPING AND STANDING" DIVISION 1 "GENERALLY" SEC. 12-3-2 "PROHIBITED PARKING ZONES"; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE AND DECLARING AN EFFECTIVE DATE

**WHEREAS**, Traffic Engineering investigations by the City of Odessa have revealed that it would materially contribute to traffic safety to make the hereinafter described amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ODESSA, TEXAS:**

**Section 1.** That the Odessa City Code Chapter 12 "Traffic and Vehicles" Article 12-3 "Parking, Stopping and Standing" Division 1 "Generally" Sec. 12-3-2 "Prohibited parking zones" is hereby amended by adding the following:

**Sec. 12-3-2 Prohibited parking zones**

(a) No person shall stop, stand or park a vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with law or directions of a traffic officer or traffic-control device, in any of the following places:

**ADDING:**

Bankhead Highway. On the north side of Bankhead Highway from Faudree Road extending west to end of road.

**Section 2.** That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

**Section 3.** That any person violating the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor and shall be punished by a fine not exceeding \$200.00 as provided in Odessa City Code Section 1-1-9 “General Penalty”.

**Section 4.** That the caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the city of Odessa as provided by City Charter Section 65.

**Section 5.** That this ordinance shall go into effect five (5) days after its publication following adoption on second approval as provided by City Charter Sections 61 and 65.

The foregoing ordinance was first approved on the 10<sup>th</sup> day of January, A.D., 2023, by the following vote:

|                    |     |
|--------------------|-----|
| Mark Matta         | AYE |
| Steven P. Thompson | AYE |
| Gilbert Vasquez    | AYE |
| Greg Connell       | AYE |
| Chris Hanie        | AYE |
| Denise Swanner     | AYE |
| Javier Joven       | AYE |

The foregoing ordinance was adopted on second and final approval on the 24<sup>th</sup> day of January, A.D., 2023, by the following vote:

|                    |   |
|--------------------|---|
| Mark Matta         | — |
| Steven P. Thompson | — |
| Gilbert Vasquez    | — |
| Greg Connell       | — |
| Chris Hanie        | — |
| Denise Swanner     | — |
| Javier Joven       | — |

Approved this the 24<sup>th</sup> day of January, A.D., 2023.

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Javier Joven, Mayor

ATTEST:

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Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

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Daniel C. Jones, Interim City Attorney



 PROPOSED "NO PARKING"

# CITY OF ODESSA CITY COUNCIL AGENDA ITEM

|                                  |                                  |                                     |                              |
|----------------------------------|----------------------------------|-------------------------------------|------------------------------|
| <b>Meeting Date</b><br>1/24/2023 | <b>Contact</b><br>Norma Grimaldo | <b>Department</b><br>City Secretary | <b>Fiscal Impact?</b><br>Yes |
| <b>Work Session?</b><br>No       | <b>Contacted Legal?</b><br>Yes   | <b>Item Type</b><br>Regular         |                              |

**CAPTION**

Discuss and consider Interim City Attorney agreement.

**SUMMARY**

Council will consider the agreements for the Interim City Attorney.

**FISCAL IMPACT**

|                    |                  |                         |                              |
|--------------------|------------------|-------------------------|------------------------------|
| <b>Fiscal Year</b> | <b>Fund Type</b> | <b>Cost or Revenue?</b> | <b>Fiscal Note Attached?</b> |
|--------------------|------------------|-------------------------|------------------------------|

| Available Funds   | Budget | Est/Actual Cost | Difference |
|-------------------|--------|-----------------|------------|
| This Agenda Item: | \$     | \$              |            |

**ACTION NEEDED TO AMEND THE BUDGET**

|                       |    |                  |    |
|-----------------------|----|------------------|----|
| Appropriation Amount: | \$ | Transfer Amount: | \$ |
|-----------------------|----|------------------|----|

Appropriation By:

**Comments/Other Departments, Boards, Commissions or Agencies**

**Supporting Documents**

Acting City Attorney Agreement.pdf,

## ACTING CITY ATTORNEY AGREEMENT

This Acting City Attorney Agreement (the “*Agreement*”) is effective starting on the \_\_\_\_ day of \_\_\_\_\_, 202\_\_ (the “*Effective Date*”), by and between City of Odessa, Texas, a Texas municipal corporation (the “*City*”) and the Acting City Attorney Dan Jones (“*Attorney*”).

WHEREAS, the Council, on behalf of the City, wishes to employ Attorney as the Acting City Attorney;

WHEREAS, the City and Attorney wish to enter into this Agreement to set forth the terms and conditions of employment;

NOW, THEREFORE, the City and the Attorney, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

1. **Employment Term.** The employment shall commence on December 13, 2022 (the “*Term*”) and shall continue until termination as defined herein.

2. **Position and Duties.**

2.1 **Position.** During the Term, the Attorney will serve as the chief legal officer for the City and shall faithfully perform the duties of the City Attorney as prescribed in the job description, as set forth in the City Charter and City ordinances and, as may be lawfully assigned by the Council, (collectively, the “City Attorney’s Duties”). Further, the Attorney shall comply with state and federal law; the City Charter, all City policies, rules, regulations and ordinances (“collectively, “Applicable Laws and Authorities”) as they exist or may hereinafter be amended; and all lawful Council directives. All duties assigned to the Attorney by the Council shall be appropriate to, and consistent with, the professional role and responsibility of the City Attorney Position.

2.2 **Duties.** The Council does hereby employ the Attorney as Acting City Attorney to perform the City Attorney’s Duties in accordance with and pursuant to all Applicable Laws and Authorities. The Attorney shall perform the City Attorney’s Duties with reasonable care, diligence, skill, and expertise.

3. **Compensation and Benefits.**

3.1 **Base Salary.** Attorney’s base salary during the Term shall be \$ 3,269.23 per week, less deductions and withholdings required by law (the “*Base Salary*”). The Base Salary will be paid by the City on the schedule as other City employees.

3.2 **Benefits.** During the Term, City shall provide health insurance benefits, retirement benefits, leave and unpaid leave benefits, and other general benefits commensurate with those enjoyed by other similarly situated administrative employees of the City pursuant to all Applicable Laws and Authorities.

3.3 **Car Allowance.** During the Term, Attorney shall be paid \$600.00 per month car allowance, which shall be subject to all applicable IRS requirements.

4. **At-Will Employment.** The City and Attorney acknowledge that Attorney's employment is and shall continue to be "at-will," as defined under applicable law. If Attorney's employment terminates for any reason, Attorney shall not be entitled to any payments, benefits, damages, awards or compensation other than as provided by this Agreement.

5. **Complete Agreement.** This Agreement embodies the complete agreement and understanding between Attorney and the City and supersedes and preempts any prior or contemporaneous understandings, agreements, or representation, by or among them, whether oral or written, that may have related to the subject matter hereof in any way.

6. **Choice of Law; Venue.** This Agreement shall be governed and construed under the law of the State of Texas. Venue for any dispute between the Parties arising from or related to this Agreement shall be filed and litigated solely in a court of competent jurisdiction in Ector County, Texas.

7. **Conflicts.** In the event of any conflict between the terms, conditions and provisions of this Agreement and the City's policies, rules, regulations and resolutions, then, unless otherwise prohibited by law, the terms of this Agreement shall take precedent.

IN WITNESS WHEREOF, the City and Attorney have executed this Acting City Attorney Agreement as of the Effective Date.

**CITY OF ODESSA, TEXAS:**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ACTING CITY ATTORNEY:**

\_\_\_\_\_  
[insert name]



# CITY OF ODESSA CITY COUNCIL AGENDA ITEM

|                                  |                                  |                                     |                              |
|----------------------------------|----------------------------------|-------------------------------------|------------------------------|
| <b>Meeting Date</b><br>1/24/2023 | <b>Contact</b><br>Norma Grimaldo | <b>Department</b><br>City Secretary | <b>Fiscal Impact?</b><br>Yes |
| <b>Work Session?</b><br>No       | <b>Contacted Legal?</b><br>Yes   | <b>Item Type</b><br>Regular         | <b>Other,</b>                |

**CAPTION**

Discuss and consider Interim City Manager agreement.

**SUMMARY**

Council will consider the agreements for the Interim City Manager,

**FISCAL IMPACT**

|                    |                  |                         |                              |
|--------------------|------------------|-------------------------|------------------------------|
| <b>Fiscal Year</b> | <b>Fund Type</b> | <b>Cost or Revenue?</b> | <b>Fiscal Note Attached?</b> |
|--------------------|------------------|-------------------------|------------------------------|

| Available Funds   | Budget | Est/Actual Cost | Difference |
|-------------------|--------|-----------------|------------|
| This Agenda Item: | \$     | \$              |            |

**ACTION NEEDED TO AMEND THE BUDGET**

|                       |    |                  |    |
|-----------------------|----|------------------|----|
| Appropriation Amount: | \$ | Transfer Amount: | \$ |
|-----------------------|----|------------------|----|

Appropriation By:

**Comments/Other Departments, Boards, Commissions or Agencies**

**Supporting Documents**

Acting City Manager Agreement.pdf,

## ACTING CITY MANAGER AGREEMENT

This Acting City Manager Agreement (the “**Agreement**”) is effective starting on the \_\_\_\_ day of \_\_\_\_\_, 202\_\_ (the “**Effective Date**”), by and between City of Odessa, Texas, a Texas municipal corporation (the “**City**”) and the Acting City Manager Agapito Bernal (“**Manager**”).

WHEREAS, the Council, on behalf of the City, wishes to employ Manager as the Acting City Manager;

WHEREAS, the City and Manager wish to enter into this Agreement to set forth the terms and conditions of employment;

NOW, THEREFORE, the City and the Manager, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

1. **Employment Term.** The employment shall commence on December 13, 2022 (the “**Term**”) and shall continue until termination as defined herein.

2. **Position and Duties.**

2.1 **Position.** During the Term, the Manager will serve as the chief executive officer for the City and shall faithfully perform the duties of the City Manager as prescribed in the job description, as set forth in the City Charter and City ordinances and, as may be lawfully assigned by the Council, (collectively, the “City Manager’s Duties”). Further, the Manager shall comply with state and federal law; the City Charter, all City policies, rules, regulations and ordinances (“collectively, “Applicable Laws and Authorities”) as they exist or may hereinafter be amended; and all lawful Council directives. All duties assigned to the Manager by the Council shall be appropriate to, and consistent with, the professional role and responsibility of the City Manager Position.

2.2 **Duties.** The Council does hereby employ the Manager as Acting City Manager to perform the City Manager’s Duties in accordance with and pursuant to all Applicable Laws and Authorities. The Manager shall perform the City Manager’s Duties with reasonable care, diligence, skill and expertise.

3. **Compensation and Benefits.**

3.1 **Base Salary.** Manager’s base salary during the Term shall be \$3,846.15 per week, less deductions and withholdings required by law (the “**Base Salary**”). The Base Salary will be paid by the City on the schedule as other City employees.

3.2 **Benefits.** During the Term, City shall provide health insurance benefits, retirement benefits, leave and unpaid leave benefits, and other general benefits commensurate with those enjoyed by other similarly situated administrative employees of the City pursuant to all Applicable Laws and Authorities.

3.3 **Car Allowance.** During the Term, Manager shall be paid \$600.00 per month car allowance, which shall be subject to all applicable IRS requirements.

4. **At-Will Employment.** The City and Manager acknowledge that Manager's employment is and shall continue to be "at-will," as defined under applicable law. If Manager's employment terminates for any reason, Manager shall not be entitled to any payments, benefits, damages, awards or compensation other than as provided by this Agreement.

5. **Complete Agreement.** This Agreement embodies the complete agreement and understanding between Manager and the City and supersedes and preempts any prior or contemporaneous understandings, agreements, or representation, by or among them, whether oral or written, that may have related to the subject matter hereof in any way.

6. **Choice of Law; Venue.** This Agreement shall be governed and construed under the law of the State of Texas. Venue for any dispute between the Parties arising from or related to this Agreement shall be filed and litigated solely in a court of competent jurisdiction in Ector County, Texas.

7. **Conflicts.** In the event of any conflict between the terms, conditions and provisions of this Agreement and the City's policies, rules, regulations and resolutions, then, unless otherwise prohibited by law, the terms of this Agreement shall take precedent.

IN WITNESS WHEREOF, the City and Manager have executed this Acting City Manager Agreement as of the Effective Date.

**CITY OF ODESSA, TEXAS:**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ACTING CITY MANAGER:**

\_\_\_\_\_  
[insert name]

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

|                                  |                                |                              |                             |
|----------------------------------|--------------------------------|------------------------------|-----------------------------|
| <b>Meeting Date</b><br>1/24/2023 | <b>Contact</b><br>Seth Boles   | <b>Department</b><br>Finance | <b>Fiscal Impact?</b><br>No |
| <b>Work Session?</b><br>Yes      | <b>Contacted Legal?</b><br>Yes | <b>Item Type</b><br>Regular  | Resolution,                 |

**CAPTION**

Consider necessary authorized representative for reporting in connection with Coronavirus State and Local Fiscal Recovery Funds (SLFRF). (RESOLUTION)

**SUMMARY**

This item will authorize the removal of Michael Marrero and the addition of Agapito Bernal, Interim City Manager, as the City's authorized representative for reporting the SLFRF funds.

The attached resolution provides for changing the designation of the City's authorized representative for reporting regarding the SLFRF funding. This will be the individual responsible for certifying and submitting official reports on behalf of the City. This individual will also be responsible for communications with the Treasury Department on such matters as extension requests and amendments of previously submitted reports. The official reports may include special reports, monthly reports, quarterly reports, interim reports and final reports. The designation to be amended will be to add the name Agapito Bernal, Interim City Manager, and to remove Michael Marrero.

Upon approval, Mr. Bernal, representative from the City Manager's Office, will be authorized to execute, authenticate, certify, and endorse with a facsimile signature within the U.S. Department of the Treasury's portal. Seth Boles, Controller, will be authorized as the account administrator and be responsible for working within the City, providing names and contact information via the Treasury's portal and will be authorized to view and submit reports. The account administrator will also be responsible for making any changes or updates as needed over the award period.

Blurb: Updates are needed for necessary designation of City's SLFRF authorized representative for reporting. Action will add Agapito Bernal, Interim City Manager, and remove Michael Marrero.

**Comments/Other Departments, Boards, Commissions or Agencies**

**Supporting Documents**

2r-656 Amend Authorized Representative for Reporting- SLFRF .pdf,

**RESOLUTION NO. 2023R-\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING THE LIST OF AUTHORIZED SIGNATURES IN CONNECTION WITH CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND DECLARING AN EFFECTIVE DATE

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS:**

**Section 1.** That the authorized signatures in connection with the Coronavirus State and Local Fiscal Recovery Funds is hereby amended by removing the name of Michael Marrero and adding the name of Agapito Bernal, Interim City Manager.

**Section 2.** That, upon approval, Agapito Bernal, representative from the City Manager's Office, will be authorized to execute, authenticate, certify, and endorse with a facsimile signature within the U.S. Department of the Treasury's portal.

**Section 3.** That, upon approval, Seth Boles, Controller, will be authorized as the account administrator and will be responsible for working within the City, providing names and contact information via the Treasury's portal. The account administrator will be authorized to view and submit reports and will be responsible for making any changes or updates as needed over the award period.

**Section 4.** That the Interim City Manager is authorized to execute any documents necessary to implement this resolution.

**Section 5.** That this resolution shall be effective at the time of its adoption.

The foregoing resolution was approved and adopted on the 24<sup>th</sup> day of January, A.D., 2023, by the following vote:

|                    |       |
|--------------------|-------|
| Mark Matta         | _____ |
| Steven P. Thompson | _____ |
| Gilbert Vasquez    | _____ |
| Greg Connell       | _____ |
| Chris Hanie        | _____ |
| Denise Swanner     | _____ |
| Javier Joven       | _____ |

Approved the 24<sup>th</sup> day of January, A.D., 2023.

\_\_\_\_\_  
Javier Joven, Mayor

ATTEST:

\_\_\_\_\_  
Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Daniel C. Jones, Interim City Attorney

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

|                                  |                                  |                                     |                             |
|----------------------------------|----------------------------------|-------------------------------------|-----------------------------|
| <b>Meeting Date</b><br>1/24/2023 | <b>Contact</b><br>Norma Grimaldo | <b>Department</b><br>City Secretary | <b>Fiscal Impact?</b><br>No |
| <b>Work Session?</b><br>No       | <b>Contacted Legal?</b><br>No    | <b>Item Type</b><br>Regular         |                             |

**CAPTION**

Appointment of Boards.

**SUMMARY**

Board of Survey  
Capital Improvement Advisory Committee  
Historic Preservation Commission  
Midland Odessa Urban Transit District  
Planning and Zoning Commission  
Tax Increment Reinvestment Zone (TIRZ)  
Traffic Advisory Committee  
Zoning Board of Adjustment

**Comments/Other Departments, Boards, Commissions or Agencies**

**Supporting Documents**

**CITY OF ODESSA  
CITY COUNCIL AGENDA ITEM**

|                                  |                                |   |                             |
|----------------------------------|--------------------------------|---|-----------------------------|
| <b>Meeting Date</b><br>1/24/2023 | <b>Contact</b><br>Dan C. Jones | <b>Department</b><br>City Attorney's Office | <b>Fiscal Impact?</b><br>No |
| <b>Work Session?</b><br>No       | <b>Contacted Legal?</b><br>Yes | <b>Item Type</b><br>Regular                 |                             |

**CAPTION**

Executive Session.

**SUMMARY**

Executive Session: As authorized by the Texas Government Code Section 551.074(a)(1) (Personnel Matters), the City Council may adjourn into executive session: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

a. Municipal Court - Presiding Judge Carlos Rodriguez.

To consider opening the position of Municipal Court Presiding Judge and to begin accepting applications for the position.

**Comments/Other Departments, Boards, Commissions or Agencies**

**Supporting Documents**