



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

February 28, 2023

On February 28, 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; 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 Pastor Jody Wallin, First United Methodist Church, and followed by the Pledge of Allegiance and Texas flags.

Proclamations, Presentations and Awards. No presentations.

Citizen's comments on non-agenda items. Donna Johnson lost her son on February 11, 2023 to fentanyl. She was grieving and asked what can be done to stop the drugs. She wanted to help address and fix the problem. Mayor Joven expressed condolences and prayers to her and her family.

Consent Agenda

1. City Council minutes, February 14, 2023;
2. City Council Work Session minutes, February 14, 2023;
3. City Council joint meeting minutes, February 21, 2023;
4. **Ordinance No. 2023-02 - Request by Forrest Hermanos, LLC, optionee, Newton Engineering, agent to rezone from Multi Family-Two (MF-2) to Planned Development-Light Commercial (PD-LC) a 1.68 acre section of Lot 5, Block 1, Parks Estates, 3rd Filing, City of Odessa, Ector County, Texas (east of the intersection of De Morada Dr. and Parks Legado Ct.);**
5. **Ordinance No. 2023-03 – Amend Section 12-2-8, Temporary Speed Limits;**
6. **Resolution No. 2023R-13 - Apply and accept funds for the Odessa Police Department from the 2023 HIDTA Grant in the amount of \$8,800;**
7. Appoint two members to the Ector County-Odessa Joint Airport Zoning Board.

Motion was made by Council member Thompson and seconded by Council member Vasquez to approve the consent agenda. 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 Thompson and seconded by Council member Swanner to reconsider the consent agenda. 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 Hanie to remove Item 7 from the consent agenda. 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 Thompson and seconded by Council member Matta to approve the consent agenda Items 1-6. The motion was approved by the following vote:

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

Resolution No. 2023R-14 - Appoint two members to the Ector County-Odessa Joint Airport Zoning Board. Mr. Jones stated that the resolution would appoint two members, Council member Connell and Hal Feldman to the Ector County Odessa Joint Airport Zoning Board. The County would appoint two members and a fifth member would be appointed by the board as chairman. Mayor Joven stated the City created the board in 1986 with a process of oath and posting the meetings. The board had been out of existence.

Motion was made by Council member Thompson 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

Other

Bid award for 2023 sealcoat. Yervand Hmayakyan, City Engineer, stated that the project was for sealcoat. He recommended the award to CK Newberry for \$1,970,745.80.

Motion was made by Council member Matta and seconded by Council member Thompson to approve the bid award to CK Newberry for \$1,970,745.80. The motion was approved by the following vote:

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

Designating Industrial District 1-B as an Industrial District. Mr. Jones requested to provide a 60 day extension to the Industrial District 1-B agreement with Grow Odessa.

Motion was made by Council member Vasquez and seconded by Council member Connell to approve Industrial District 1-B for a 60 day extension to the agreement. The motion was

approved by the following vote:

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

Designating Industrial District 1-C as an Industrial District. Mr. Jones requested to provide a 60 day extension to the Industrial District 1-C agreement with Grow Odessa. The City was negotiating with Grow Odessa.

Motion was made by Council member Swanner and seconded by Council member Hanie to approve Industrial District 1-C for a 60 day extension to the agreement. The motion was approved by the following vote:

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

Purchase 20 sets of bunker gear for Odessa Fire Rescue firefighters. Cody Ritchie, Assistant Fire Chief, stated that 20 sets of bunker gear would be purchased.

Motion was made by Council member Swanner and seconded by Council member Hanie to approve the bunker gear purchase. The motion was approved by the following vote:

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

Public Hearing

Open a public hearing to consider approval of the original zoning request by John Loepky, owner, for Light Industrial (LI) on 48.00 acre tract located in Sections 36 and 37, Block 43, T-2-S, T & P RR. Co. Survey, City of Odessa, Ector County, Texas, being within Tract 2 of Vol. 1105, P. 670 (south of the intersection of S. FM 1936 and W. Murphy St.) Mr. Smith reviewed the location which was vacant. The purpose was zoning for light industrial to facilitate a compatible development for commercial use. The Planning and Zoning Commission recommended for approval. No one came forward and the public hearing was closed.

Motion was made by Council member Thompson 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, Hanie and Swanner
Nay: None

Open a public hearing to consider approval of the original zoning request by Claudio Rodriguez, owner, NWC Services, LLC, agent, for Light Industrial (LI) on Lot 5, Block 24, West Interstate Industrial 3-(41, Odessa, Ector County Texas, (southwest of the intersection of W Interstate 20 Service Rd and S. Sargent Ave.) Mr. Smith reviewed the location. The purpose was to maintain industrial uses. The Planning and Zoning Commission recommended for approval. He stated it was for future workforce housing. Maria Prieto, Planner, stated that the owner did not have to specify what would be developed on the property. No one came forward and the public hearing was closed.

Motion was made by Council member Matta 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

Open a public hearing to consider approval of the request by Carlos Enrique Isaac Onate, owners for a specific use permit to allow a beauty shop-one chair accessory use in a Special Dwelling District (SPD) zoning district on Lot 29, Block 18, Esmond Estates 6th Filing (3900 Hyden Dr.) Mr. Smith reviewed the location. The purpose was for a specific use permit to allow a one chair beauty/barber shop. One paved parking lot was required. The Planning and Zoning Commission recommended for approval with certain conditions. The conditions were reviewed. Carlos Isaac requested the permit. He stated no changes would be made to the home. No one else came forward and the public hearing was closed.

Motion was made by Council member Connell 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, Hanie and Swanner
Nay: None

Resolution

Resolution 2023R-15 – Odessa Development Corporation (ODC) and Taylor Sudden Services economic development agreement. Kris Crow, ODC President, stated that ODC approved an economic development agreement with Taylor Sudden Services. The company would retain 31 full time employees and 24 new employees. Taylor Sudden Services would expand its business with a capital investment of \$2.4 million. The grant was for \$862,579 to be paid out over five years if it met compliance.

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

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

Resolution 2023R-16 – Cobb Fendley & Associates, Inc. professional services agreement for the design of the I-20 Segment 2 utility conflicts. Hal Feldman, Traffic Engineer, stated that TxDOT was designing the widening of I-20. Segment 2 of the improvements had multiple utility conflicts. TxDOT gave the City a deadline of November 23 to have that corrected. The agreement with Cobb Fendley was to design the relocation of the utilities at a cost of \$176,407. TxDOT would reimburse the City after completion of the project.

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

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

Resolution 2023R-17 – Contract award for 2023 pavement rejuvenation. Yervand Hmayakyan, City Engineer, stated that the rejuvenation project was for preventative maintenance on low volume streets. It would be for 21 miles at a cost of \$647,451.25.

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

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

Resolution 2023R-18 – Contract award for 2023 friction seal. Mr. Hmayakyan stated that friction seal would extend the life of the pavement for residential streets. The project was for seven miles. The contractor was American Road Maintenance for a cost of \$628,459.20.

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

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

Resolution 2023R-19 – Continue participation with the Steering Committee of Cities served by Oncor. Mr. Jones stated that the City was a member of the Steering Committee that worked on behalf of cities on negotiated utility rates. The resolution was to continue membership with the payment of membership dues.

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

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

Resolution 2023R-20 – Amend the Downtown infrastructure grant agreement with ICON Tavern. Elizabeth Prieto, Downtown Odessa Executive Director, stated that the amendment for an infrastructure grant was approved by ODC. The grant was for \$35,476.50 for fire suppressant and a fire alarm.

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

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

Miscellaneous

City Manager benchmarks presentation. Mike Wilson, T2 Professional Consulting, introduced Mica Lunt and Dr. Hank Seitz. He stated that the benchmark process would be done to finalize the job description. He recommended a Benchmark Committee consisting of two members of the Council, two Department Directors, and two outside stakeholders. Dr. Seitz stated that the benchmark process was a proven process through all levels of government. It selected the candidates that was most qualified. The process resulted to an increase in productivity and retention. He explained the benchmark process. Mr. Wilson

recommended one of the directors be from the public safety and one from local services. Dr. Seitz stated that it removed bias and was approved by EEOC. Mayor Joven recommended Council member Swanner to be one of the members. He suggested that each member of the Council recommend two people and two people would be chosen from the list. Council would approve the job description. Mayor Joven wanted the search to be statewide. Council member Vasquez asked for three sample job descriptions. Mayor Joven stated that the needs of one city may not be the needs of Odessa. Mr. Wilson stated that the benchmark would identify the type of person of turn around, sustainer or growth. The goal was to have the city manager by August.

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

Rachel Miner appointed to the Tax Increment Reinvestment Zone
Angie King appointed to the Traffic Advisory Committee

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 Matta 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 7:22 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor