



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

**April 25, 2023**

On April 25, 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: Norma Aguilar-Grimaldo, City Secretary; Agapito Bernal, Interim City Manager; Dan Jones, Interim 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 Pastor Raul Garcia, Asbury United Methodist Church, and followed by the Pledge of Allegiance and Texas flags.

**Proclamations, Presentations and Awards.** Council member Swanner stated that the City of Odessa received the first payment from the Opioid Abatement Settlement Fund. Michelle Watson lost a son to fentanyl and started The 1:11 Project with other members that lost a loved one to fentanyl. Mayor Joven expressed sympathy on behalf of the City Council and the funds would be used to educate citizens on the dangers of the drug. He commended the members for the courage and their efforts to educate the community. Randy Ham, Odessa Arts Executive Director, thanked the Council for the support in promoting cultural tourism. Mayor Joven presented a proclamation for Arts Appreciation Month.

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

**Consent Agenda**

1. City Council minutes, April 11, 2023;
2. City Council Work Session minutes, April 11, 2023;
3. **Ordinance 2023-08 - Amend certain sections of the City of Odessa Personnel Policies and Procedures Manual;**
4. **Ordinance 2023-09 - Original zoning request by Leeco, Inc., owner, LCA, agent, for Light Commercial (LC) on the proposed plat Yukon Ridge Commercial, 1st Filing being a 8.50 acre tract in Section 2, Block 42, T-2-S, T & P RY Co. Survey, City of Odessa, Ector County, Texas. (southwest of E. Yukon Rd. and N. Grandview Ave.);**
5. **Ordinance 2023-10 - Request by Claudio Rodriguez, owner, for a specific use permit to allow workforce housing in a Light Industrial (LI) District on Lot 24, Block 5, West Interstate Industrial Site 3-41 City of Odessa, Ector County, Texas (2135 I-20 Service Rd. W.);**
6. **Resolution No. 2023R-25 - TxDOT agreement for a temporary**

**street closure;**

7. Designate Industrial District 1-B as an Industrial District;
8. Designate Industrial District 1-C as an Industrial District;
9. Amend the Police budget to include cost of Axon's Officer Safety Plan.

Motion was made by Council member Hanie and seconded by Council member Connell to remove items 7 and 8 from the consent agenda. The motion was approved by the following vote:

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

Motion was made by Council member Matta and seconded by Council member Connell to approve the consent agenda items 1-6 and 9. The motion was approved by the following vote:

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

**Designate Industrial District 1-B as an Industrial District.** Council member Hanie stated that 15 years was too long for the contract and recommended a three year contract or to consider annexation. Mr. Jones stated that the owner must request to be annexed with an Industrial District. Council member Hanie stated it was not fair to hold future Councils with the contract. Council member Thompson stated that the owners pay a fee in lieu of taxes and agreed with a shorter term. Historically, the contracts were for seven years. Council member Hanie stated that a handful of people controlled the property and was the prime property. Council member Thompson stated that the fee was in lieu of taxes which was like property taxes. He stated that the property was used for economic development. Kris Crow, ODC President, stated that there was a need for industrial districts but the contract needed a few changes. It included the numbering, pay impact fees which needed to be including all properties, the appraisal district had no authority to enforce, municipal liens needed to be included, and no longer than three years. He stated that 15 years was too long for future year Councils. He stated that the contract needed to be fair for both parties. Council member Swanner asked why the Chamber of Commerce was part of the contract for notification. Council member Hanie stated it was an unfair advantage with the Chamber support. Council member Thompson explained that the Chamber was involved due to economic development. He stated that the industrial district parties do not have any advantage over others of the city. Mayor Joven asked that the contract be cleaned up and sent to Grow Odessa for its review.

Motion was made by Council member Swanner and seconded by Council member Thompson to amend the contract with three years as a contract term clean up the contract, include all structures, municipal lien superior, remove names and include titles only, include OIDC as d/b/a Grow Odessa. The motion was approved by the following vote:

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

**Designate Industrial District 1-C as an Industrial District.** Motion was made by Council member Swanner and seconded by Council member Connell to amend the contract with three years as a contract term clean up the contract, include all structures, municipal lien superior, remove names and include titles only, include OI DC as d/b/a Grow Odessa. The motion was approved by the following vote:

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

### Regular

**Accept State of Texas grant funds via SB 8 Emergency Medical Services (EMS) Workforce Recruitment & Retention Program.** Codie Ritchie, Assistant Fire Chief, stated that that the SB 8 Emergency Medical program would provide \$71,550 to send nine students through paramedic training.

Motion was made by Council member Thompson and seconded by Council member Matta to approve the SB 8 Emergency Medical Services Workforce Recruitment & Retention Program grant. The motion was approved by the following vote:

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

**Reject proposals for the forensic auditing services.** JoAnn Samaniego, Director of Purchasing, recommended to reject the proposals for the forensic audit services. The scope would be changed, and the RFP would be reissued. The RFP would run for three weeks and would be sent nationally.

Council member Vasquez stepped out from the Council Chambers at 6:44 p.m.

Motion was made by Council member Matta and seconded by Council member Connell to reject the proposals for the forensic auditing services. The motion was approved by the following vote:

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

**Performance Services Inc. (PSI) as an Energy Services Provider and allow Interim City Manager to contract with Performance Services, Inc. following Texas Local Government Code 302.001 and TIPS Contract number #170103.** Mr. Bernal stated that financial information was provided. A memorandum of understanding would provide for testing. Jenna Shadowitz, PSI Business Development Manager, stated that there were no commitments and no fees for the city.

Council member Vasquez returned to the Council Chambers at 6:47 p.m.

Motion was made by Council member Thompson and seconded by Council member Vasquez to approve the Performance Services memorandum of understanding. The motion was approved by the following vote:

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

**Appointment and contract approval for City Attorney.** Motion was made by Council member Swanner and seconded by Council member Hanie to appoint Dan Jones to City Attorney and approve the contract. The motion was approved by the following vote:

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

### Resolution

**Resolution No. 2023R-26 - Engagement letter from Jeffrey L. Moore to provide legal services to the Odessa Development Corporation.** Kris Crow, ODC President, stated that ODC recommended Jeff Moore with Brown & Hofmeister to provide legal services on an as needed basis for ODC. Mr. Moore specializes expertise in economic development and municipal government. Council member Thompson stated that Council was responsible for ODC and the City Attorney should be included in the communication.

Motion was made by Council member Thompson and seconded by Council member Matta to approve the resolution and include the City of Odessa City Attorney under the nature and scope section. The motion was approved by the following vote:

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

### Miscellaneous

**Appointment to the Municipal Court Security Committee.** Mr. Jones explained the Municipal Court Security Committee's purpose to provide a security plan for Municipal Court, personnel, judges, the prosecutors, and Teen Court. The Committee members were Judge Carlos Rodriguez, Associate Judge Keith Kidd, Police Officer Jason Ball, Director of Municipal Court Kimberly Jozwiak, and Prosecutor Keith McKethan. An email from Judge Rodriguez stated that he would not be able to give information from the Committee to Mr. Bernal. Mr. Jones stated that Hector Gomez, former US Marshall, advised Judge Rodriguez to provide minutes and related security information to the City Council and management. The email stated that Mr. Gomez recommended that a member of the City Council and city management be part of the Municipal Court Security Committee.

Motion was made by Council member Thompson and seconded by Council member Swanner to appoint Council member Connell and Mr. Bernal to the Municipal Court Security Committee. The motion was approved by the following vote:

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

**Appointment of Board: Animal Shelter Advisory Committee, Downtown Odessa, Historic Preservation Commission, Midland Odessa Urban Transit District, and Planning and Zoning Commission.** Motion was made by Council member Thompson and seconded by Council member Vasquez to appoint Craig Stoker to Downtown Odessa. 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 Vasquez 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 7:03 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC  
City Secretary

Javier Joven  
Mayor