



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

July 11, 2023

On July 11, 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: Steven P. Thompson, District Two; Gilbert Vasquez, District Three; Greg Connell, District Four; Chris Hanie, District Five; and Denise Swanner, At-Large.

City Council absent: Council member Mark Matta, District One.

Staff present: Norma Aguilar-Grimaldo, City Secretary; Agapito Bernal, Interim 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 Pastor Shaye Lane, River of Hope, and followed by the Pledge of Allegiance and Texas flags.

Proclamations, Presentations and Awards. No presentations.

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

Consent Agenda

1. City Council minutes, June 27, 2023;
2. City Council Work Session minutes, June 27, 2023;
3. Special City Council minutes, June 26, 2023;
4. Replacement/upgrade of leaf network switches as part of city-wide infrastructure improvement project;
5. Replacement /upgrade of core network switches s part of city-wide infrastructure improvement project;
6. Accept and appropriate funds in the amount of \$50,000 from an anonymous donation made to the City of Odessa to be given to the City of Matador, Texas.

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

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

Regular

Motion was made by Council member Vasquez and seconded by Council member Hanie to suspend the rules.

The motion was approved by the following vote:

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

Resolution No. 2023R-40 – Economic development agreement between the Odessa Development Corporation (ODC) and Border State Industries. Kris Crow, ODC President, stated that the economic development agreement was with Border State and ODC. Border State was a wholesale distribution facility that would retain 26 full-time jobs and add seven new jobs. The annual payroll over five years was \$1,632,480. Border State would make a capital investment of \$10.5 million. The grant was for \$970,660 to be paid out over five years if requirements were met.

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

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

Resolution No. 2023R-41 – Compliance consulting services agreement and engagement letter between the Odessa Development Corporation and Whitley Penn LLP. Mr. Crow stated that compliance consulting services agreement was with ODC and Whitley Penn. It was to provide compliance review with the companies that create or maintain jobs and/or make an investment on new or expanded facilities. The review would not exceed \$6,500 per review. The agreement was for one year with option for year to year basis.

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

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

Real estate broker services. Mr. Jones stated that the real estate broker services was for a two year term with Copper Key Realty. The realtor would sell city owned property. John Herriage, Copper Key Realty, stated that the City has worked with a realtor to sell homes. Council member Thompson stated that the City would retain any mineral rights. He wanted to have Council decide what properties to sell.

Motion was made by Council member Hanie and seconded by Council member Thompson to approve the broker services with Copper Key Realty. The motion was approved by the following vote:

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

Public Hearing

Open a public hearing to consider a request by Newton Engineering for a zone change from FD, Future Development District, to a Planned Development-Light Commercial District, on a 13.01 acre-tract of land located in Section 9, Block 41, T- 2-S, T & P RR. Co. Survey, City of Odessa, Ector County, Texas. (Generally located on

the southwest corner of the intersection of Parks Legado Rd. and San Machell Dr.).

Elizabeth Shaughnessy, Director of Development Services, stated that the zone change was for 13.01 acre tract for an office space and showroom. She reviewed the light commercial conditions. It was a three-story building. No one came forward and the public hearing was closed.

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

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

Open a public hearing to consider a request by Parkhill for a zone change from FD, Future Development District, to an R, Retail District, on a 20.13-acre tract of land located in Section 46, Block 41, T-1-S, T & P RR. Co. Survey, City of Odessa, Midland County, Texas. (Generally located on the southeast corner of the intersection of Legacy Road and E Yukon Rd). Mrs. Shaughnessy stated that the zone change was for retail on a 20.13 acre tract of land. It would be for future retail development and was subject to conditions. No one came forward and the public hearing was closed.

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

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

Open a public hearing to consider granting a specific use permit request to allow workforce housing in an industrial contract district on Lot 6, Block 2, OI DC Park Addition, Section 32-2, being a 23.573 acre tract of land In Section 31, Block 41, T-2-S, Texas & Pacific Railroad Company Survey, City Of Odessa, Ector County, Texas (Generally located on the west side of OI DC Drive, approximately 1,860-Ft East of E. Interstate 20 Service Rd. (Extraterritorial Jurisdiction). Mrs. Shaughnessy stated that the specific use permit was for workforce housing. The regulations would be according to code. There would be five units with one vehicle per person. The permit had a start and end date and the permit could be extended. Mayor Joven had a conflict of interest and abstained. No one came forward and the public hearing was closed.

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

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

Resolution

Resolution No. 2023R-42 – Budget amendment for a mid-year review of employee compensation in the form of a one-time payment. Mr. Bernal stated that the six months has had inflation with City employees. There were two options for a one time payment as the City's budget was ahead in sales tax revenue. The departments have had challenges

with recruitment and retention. The options were to provide a one-time payment of \$1,500 to all full-time employees or provide a one-time payment of \$1,500 to all full-time employees excluding Council appointees, public safety and emergency communications. Seth Boles, Interim Finance Director, stated that sales tax was \$1.3 million monthly.

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

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

The payment would be distributed next week which would include a letter from the Council.

Resolution No. 2023R-43 – Accept and appropriate funds in the amount of \$135,000 donated to the City of Odessa Police Department from Bustin for Badges City Shoot event. Mike Gerke, Police Chief, stated that the funds of \$135,000 from Bustin for Badges would be for the Police Department. It was a tremendous amount of money and the fundraiser had a strong support.

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

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

Resolution No. 2023R-44 – Terminate the Ector County Independent School District school attendance court interlocal agreement with the City of Odessa. Mr. Jones requested that the ECISD truancy court agreement be terminated. The agreement provided that ECISD make a \$12,000 a month payment which has been done for 10 years. He stated it was unethical and illegal as the City handled the truancy. The truancy would be moved from the prosecutor's office to Municipal Court. He stated that the funds were going to the General Fund and should have had its own separate account. Mr. Jones explained the truancy process. Naira Enriquez, Legal Assistant, stated that ECISD had a case load of 600 cases. She stated it was a large volume of truancy cases. Mr. Bernal stated that the proper account and accounting method would be done.

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

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

Resolution No. 2023R-45 – Sign an installation contract and associated guarantee agreement with Performance Services, Inc (PSI) in accordance with Texas Government Code 302 and PSI's TIPS Contract #170103. Mr. Jones stated that the item was for an installation contract. Jenna Shadowitz, PSI, stated that the contract was for the guaranteed energy savings project. The agreement was for the projects of the installation of water meters, monitoring and leak detection devices, LED lighting conversion and the Yukon pump station.

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

Resolution No. 2023R-46 – Sign a professional services agreement with PSI in accordance with Texas Government Code 2254 for engineering design services associated with pump station modifications. Mr. Shadowitz stated that the PSI agreement was for engineering services.

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

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

Resolution No. 2023R-47 – Sign a performance guarantee contract with Performance Services, Inc. and signing a public property finance act lease purchase agreement with First Security Finance, Inc. to finance the cost thereof. Ms. Shadowitz stated that the financing would utilize First Security Finance that was owned by Capital One. The first payment would be July 2025. There would be savings with additional revenue. The financing would not affect the City's credit or bond rating.

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

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

Adopt policies and guidelines for impact fee offset agreements. Tom Kerr, Director of Public Works, stated that the impact fee guidelines were for the utilization of the developer actual cost for impact fee capital infrastructure improvements or off-site as required by the City as offsets to the assessment of impact fees. Eligible costs may be used to reduce the assessed impact fees or reimburse the developer from the impact fees collected. He reviewed the three methods for the offsets to be applied to the developer. The agreements were for ten year terms and applicable to infrastructure improvements after September 9, 2021. Council member Thompson stated it would help the developers. The impact fee ordinance was approved on August 10, 2021 that outlines the polices and guidelines.

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

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

Miscellaneous

Appointment of Boards: Midland Odessa Urban Transit District and Odessa Arts.

Motion was made by Council member Swanner and seconded by Council member Thompson to appoint Council member Vasquez to the Odessa Arts Board. The motion was approved by the following vote:

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

The meeting adjourned at 6:58 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor