



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

August 8, 2023

On August 8, 2023, a regular meeting of the Odessa City Council was held at 6:03 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: 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 Misha Shakurov, New Life Church, and followed by the Pledge of Allegiance and Texas flags.

Proclamations, Presentations and Awards. No presentations.

Citizen's comments on non-agenda items. Katrina Bustos wanted to open a safe house for 17 year old and under. Miguel Bustos stated that support was needed and help with fundraising. ASCO was holding a golf tournament benefiting the youth victims of sex trafficking in the Permian Basin on September 16.

Consent Agenda

1. City Council minutes, July 25, 2023;
2. City Council Work Session minutes, July 25, 2023;
3. **Ordinance 2023-17 – Abandonment of 98th Street right-of-way in Section 34, Block 42, T-1-S;**
4. **Ordinance 2023-18 - Request by S. W. Howell, Inc. for a zone change from FD, Future Development District, to an LI, Light Industrial District, on a 4.00 acre tract of land located in Section 25, Block 42, T-2-S, T & P Co Survey, Ector County, Texas. (North side of E Pearl St, approximately 627-feet west of Reed Ave);**
5. **Resolution No. 2023R-58 – City of Odessa's program year 2023 Action Plan;**
6. Purchase automotive vehicles for Building Services and Traffic for \$199,178.75;
7. Purchase 2025 Volvo VHD w/galbreath roll off hoist truck for Solid Waste Department for \$224,249.

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

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

Regular

Resolution No. 2023R-59 – Development agreement for Betenbough Homes, LLC – Windmill Crossing. Mary Petty, P3 Works, stated that development agreement was completed and tied to the traffic impact analysis. The developer would pay for the impact fees and there would be a credit from the City. The developer would pay for 1/3 of the cost of the signal light at 100th St. and Hwy 385. Dustin Eggleston, Betenbough, was working on the plats for submittal to the City. Elizabeth Shaughnessy, Director of Development Services, stated that an amended plat was needed to rezone as it was not zoned properly. Mr. Eggleston stated that the widening of the road would only affect Phases 3 and 4. There were no changes to Phase 1. Mr. Jones stated that the development agreement was for city services including water, sewer and fire services. The signal light would be installed with the full build out of the development.

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

Withholding any further payments to the YMCA for security services provided at the aquatic facilities. Motion was made by Council member Matta and seconded by Council member Thompson to remove the YMCA item as payment was made to the City. The motion was approved by the following vote:

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

Allocating/transferring money for the golf course project. Max Reyes, Director of Parks and Recreation, requested that \$220,000 be transferred to the golf course account for the replacement of bulkhead and electrical control panel at the pump house.

Motion was made by Council member Thompson seconded by Council member Swanner to approve the allocation and transfer of money for the golf course project. The motion was approved by the following vote:

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

Ordinance

Abandonment and conveyance of a right-way being a 6.674-acre tract of land to P. Bar Parks Bell Ranch, Ltd. on Faudree Road and accepting the dedication from P. Bar

Parks Bell Ranch, Ltd., of 13.025 acres of land for a right-of- way for the development of a roadway. Mr. Jones stated that the conveyance of the land was for the sports complex.

Motion was made by Council member Vasquez and seconded by Council member Connell 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

Tabled – Economic development agreement between the Odessa Development Corporation and Standard Industrial Manufacturing Partners, LLC. Motion was made by Council member Matta and seconded by Council member Thompson to table the item. The motion was approved by the following vote:

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

Tabled – Economic development agreement between the Odessa Development Corporation and GCC Permian, LLC. Motion was made by Council member Hanie and seconded by Council member Swanner to table the item. The motion was approved by the following vote:

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

Resolution No. 2023R-60 – Reimbursement agreement with Leeco Properties, LLC for reimbursement of City portion of construction costs for the Yukon Rd. and Grandview intersection. Tom Kerr, Director of Public Works, stated that the funding was for the Yukon/Grandview intersection project. The agreement provided for reimbursement of costs incurred by Leeco. The cost was \$4,013,486.

Motion was made by Council member Thompson 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

Resolution No. 2023R-61 – Professional service agreement with Landgraf, Crutcher & Associations, Inc. (LCA) providing design services for the full build out of the Yukon/Grandview intersection at a cost of \$214,315. Mr. Kerr stated that LCA would design for construction of the Yukon and Grandview intersection. The cost was \$214,315.

Motion was made by Council member Vasquez 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 No. 2023R-62 – Commercial real estate listing agreement with Copper Key Realty for the sale of vacant city owned properties that can be sold at fair market

value. Mr. Jones stated that the list of City properties presented would be sold at fair market value.

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

Resolution No. 2023R-63 – Provide protection for the victims of human trafficking, to work to prevent trafficking, and to prosecute those organizations and people responsible for the human trafficking industry. Mike Gerke, Police Chief, stated that the city wanted to enhance public welfare, protect public safety and promote safety for all residents by declaring that freedom from human trafficking was a human right. He read the resolution. Chief Gerke stated that arrests were made with operations on human trafficking.

Motion was made by Council member Swanner 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

Miscellaneous

Appointment of Boards: Midland Odessa Urban Transit District, Odessa Housing Finance Corporation, and Tax Increment Reinvestment Zone. No action.

Executive Session: As authorized by the Texas Government Code Section 551.071(1)(A) (Consultation with Attorney), the City Council may adjourn into executive session to: Discuss contemplated litigation with the City Attorney and the attorneys hired by the City of Odessa. Motion was made by Council member Thompson and seconded by Council member Connell to go into executive session under 551.071(1)(A). 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 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 Matta and seconded by Council member Connell to approve a settlement for Natasha Brooks in the amount of \$180,000. The motion was approved by the following vote:

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

Motion was made by Council member Vasquez and seconded by Council member Thompson to approve a settlement for Michael Marrero in the amount of \$250,000. The motion was approved by the following vote:

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

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 7:47 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

Javier Joven
Mayor