



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

SEPTEMBER 17, 2019

On September 17, 2019, a work session meeting of the Odessa City Council was held at 5:00 p.m., in the fifth floor conference room, City Hall, 411 West 8th Street, Odessa, Texas.

City Council present: Mayor David R. Turner; Council members: Malcolm Hamilton, District One; Dewey Bryant, District Two; Mari Willis, District Five; and Peggy Dean, At-Large.

City Council absent: Council members Detra White, District Three and Tom Sprawls, District Four.

Others present: Norma Aguilar-Grimaldo, City Secretary; Atasi Bhavsar, First Assistant City Attorney; Cindy Muncy, Interim Assistant City Manager; Phillip Urrutia, Assistant City Manager; Gary Landers, Interim City Attorney; and other members of City staff.

Mayor Turner called the meeting to order and the following proceedings were held:

Council member Hamilton gave the invocation.

Discuss request for rollover and use of 2018-19 Sports Enhancement Recruitment funds. Monica Tschauner, Director of Discover Odessa, requested to roll over the current funds of \$28,200 into the next Fiscal Year 2019-20. There was an anticipated soccer tournament, track meet and more rodeo events as the Coliseum was having its outback arena improved. The department worked with the sports associations to utilize the funds. There were funds left over due to cancellation of two events.

Contract bid award for purchase of office supplies. JoAnn Samaniego, Director of Purchasing, stated that the renewal was with Buffalo Office Supplies for \$154,000. They delivered next day to the departments.

Amend City Code Chapter 12, Article 12-3, Division 1, Section 12-3-8 and 12-3-15. Monique Wimberly, Assistant City Attorney, reported that the amendments reflected the amendments to the zoning ordinance. The changes stayed in line with the zoning changes.

Request by LOA Land Development and Maverick Engineering. Tim McDaniel, Planner, stated that the zoning request provided for 160 single-family lots near Mission. There was one protest concerned with the access, which would not be affected. Mr. Urrutia stated that utility work was taking place. Staff would reach out to the protester.

Professional service agreement with Freese and Nichols. Tom Kerr, Director of Public Works/Utilities, stated that Freese and Nichols would assist in updating the mandated AWIA Risk and Resiliency Assessment and Emergency Response Plan. The fee was \$231,060. Mr. Kerr explained the plan that dealt with cyber security. Freese and Nichols would evaluate the risk and develop the plan in regard with the water and utility industry.

Funding agreement between ODC and TxDOT for highway improvements. Mr. Kerr stated that the agreement was with ODC and TxDOT for a highway improvement project at IH20 and Faudree. The agreement would authorize \$2 million of ODC funds. The committed funds would be used for TxDOT needs of design and construction.

Review City's investment policy and approved brokers/dealers and financial institutions list. Mrs. Muncy stated that this was the annual review of the policy and dealers and financial institutions list. There were slight changes in the introduction due to current process. There were no changes to the state law or regulations. The list remained the same.

Contract renewal with Weaver and Tidwell to provide auditing services. Mrs. Muncy reported that the renewal would be the second two-year renewal for audit services with Weaver and Tidwell. She reported that it was critical to stay with the firm for it to provide assistance with the Tyler software transition. The firm would check that policy and procedures were followed. Council member Dean asked about checking the ending and beginning for the old and new systems. Mrs. Muncy stated it was not included, which would be an additional cost. An outside consultant would be providing information to the firm.

Discuss bingo fees. Mrs. Muncy stated that HB 914 was enacted that changed the collection and remittance of prize fees. Local governments will no longer receive the prize fee from the Lottery Commission. The government body must vote to keep its share of fees and collect the fee. The Commission must be notified by November 1. There were four businesses that provide fees and the 5% was split with Ector County. Past fees collected were \$70,000, \$88,000, and \$90,000. If fees were not received, it would be given to a charity announced before the bingo play. Council member Dean suggested donating to the City Charity organization. Ms. Bhavsar will research the options.

Summit project update. Mrs. Muncy stated that ODC received a check for \$449,888.01 for the land ODC bought from OIDC. The cost of the land was \$480,000 for a grant to Summit. With the bankruptcy, the land was reverted back to OIDC and there was cost involved.

Discuss bid on property located at 418 N. Grant. Mr. Urrutia stated staff wanted direction for the bid. The life of the bid was 60 days and it was at 30 days. Options included a counteroffer, agreement with stipulations, or a 380 agreement that provided for incentivizing the property, clause, jobs, sales tax revenue and penalties. Council member Dean wanted the business to be successful with a plan. Council member Hamilton stated that an opportunity should be given. He wanted consistency and a uniform process for the downtown businesses. Torchy has a 380 agreement. Council member Dean supported selling the property subject to a 380 agreement using their guidelines. Council member Willis agreed with the agreement. Council member Bryant stated it was good due diligence. Council member Willis asked about an employee submitting an offer. Mr. Urrutia reported that it was an offer that was withdrawn. It was not an actual bid.

Discuss Ethics Ordinance. Council member Hamilton expressed concerns on his proposed language that was removed. He wanted to include the appointees and committee members appointed by Council. Mayor Turner stated that the appointees were under an employment contract and/or the administration policy. Council member Hamilton stated that the document was subjective rather than objective. He asked how there would be checks and balances as there were many holes in the ordinance. Mayor Turner stated that Council discussed at the retreat, legal reviewed and Council discussed the ordinance. Council member Hamilton was concerned on the chain of command and protocol as stated in the

agenda summary. The summary did not follow the document. He wanted to see transparency and consistency under Sec. 1-4-51. He provided an example. Mr. Landers explained the situation. Under the Conduct of Councilmembers, he stated that it sounded oppressive as if Council was prohibited to address. Legal would provide a clarification of personal charges in that section. He provided other concerns with the ordinance including the Conduct at Public Meetings. He stated it was subjective. He stated that the body language was oppressive. Council member Willis stated that the public expects professionalism and to be mindful. Council member Hamilton stated the document allowed too much interpretation. Council member Bryant stated it needed to be implemented and suggested that each individual sign the document to use for guidelines and measurements. Council member Dean read the document as fair and agreeable to reasonable behavior. Council member Hamilton would send the rest of his concerns to the Mayor. He wanted uniformity and application across the board without prejudice.

There was no other business, the meeting adjourned at 6:08 p.m.

ATTEST:

APPROVED:

Norma Aguilar-Grimaldo, TRMC, CMC
City Secretary

David R. Turner
Mayor