

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, FEBRUARY 12, 2024, IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 5:00 P.M.

CITY COMMISSION PRESENT:

Sam R. Fugate, Mayor
Hector Hinojosa, Commissioner
Norma N. Alvarez, Commissioner
Edna Lopez, Commissioner
Ann Marie Torres, Commissioner

CITY STAFF PRESENT:

Mark McLaughlin, City Manager
Mary Valenzuela, City Secretary
Courtney Alvarez, City Attorney
Kyle Benson, Director of Information & Technology
Derek Williams, IT
Bill Donnell, Public Works Director
Kwabena Agyekum, Senior Planner/HPO
Rudy Mora, Engineer
Susan Ivy, Parks Director
Charlie Sosa, Purchasing Manager
Emilio Garcia, Health Director
Deborah Balli, Finance Director
Janine Reyes, Tourism Director
John Blair, Chief of Police
Nick Chavez, IT
Diana Gonzalez, Human Resources Director
Erik Spitzer, Director of Planning & Development Services

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 5:00 P.M. with all five commission members present.

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

The invocation was delivered by Ms. Courtney Alvarez, City Attorney, followed by the Pledge of Allegiance and the Texas Pledge.

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – January 8, 2024

Regular Meeting – January 22, 2024

Motion made by Commissioner Lopez to approve the minutes of January 8, 2024 and January 22, 2024 as presented, seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting “FOR”.

II. Public Hearing - (Required by Law).¹

1. Public Hearing on request to replat Chamb PI, Block 5, Lot 1-32 & ½ of W. Ella St., also known as 400 Block of West Nettie, Kingsville, TX, 78363. (Cynthia Tobar, applicant; Alejandro Zaragoza, owner). (Director of Planning and Development Services).

Mayor Fugate opened this public hearing at 5:04 p.m. He further announced that this is a public hearing and if anyone would like to speak on behalf of this item they may do so now with a five-minute limit. Additional time cannot be extended by the City Commission.

Mr. Erik Spitzer, Director of Planning & and Development Services reported that the applicant approached the department on January 9, 2024 representing Alejandro Zaragoza requesting a replat of this location which is also known as 400 West Nettie. The Planning & Zoning Commission met on February 7, 2024 where deliberated over the request of a replat. Notices were mailed to neighbors within the 200-foot buffer and the city received no feedback. The Planning and Zoning Commission voted unanimously to approve recommendation of the requested replat.

There being no further comments or discussion, Mayor Fugate closed this public hearing at 5:07 p.m.

2. Public Hearing on request to rezone Chamb PI, Block 6, Lot 1-32 (Flato School), also known as 400 Block of West Santa Gertrudis (Property ID#18241), Kingsville, TX 78363 from R1 (Single Family District) to C2 (Retail District). (James Maddalone, applicant; MVGG Isaiah 6 Kingsville Series, owner). (Director of Planning and Development Services).

Mayor Fugate opened this public hearing at 5:07 p.m. He further announced that this is a public hearing and if anyone would like to speak on behalf of this item they may do so now with a five-minute limit. Additional time cannot be extended by the City Commission.

Mr. Spitzer reported that Mr. James Maddalone, the applicant, approached his department on January 11, 2024, requesting the rezone from R1 Single Family to C2 Retail of the old Flato School Building. The Planning & Zoning Commission met on February 7, 2024, and deliberated over the request for a rezone. Notices were mailed to neighbors within the 200-foot buffer and the city received no feedback. The Planning and Zoning Commission voted unanimously to approve the recommendation of the request for a rezone.

Commissioner Torres commented that this location extends to current residents and the department received no feedback from those who were mailed a notice.

Mr. Spitzer stated that city staff received no feedback from those who were mailed a notice.

Mr. James Maddalone, 400 W. Santa Gertrudis, commented that he is looking forward to this project in Kingsville. They have also developed the London Square Plaza in Corpus Christi. This project will have retail and restaurants with outdoor activities for all. He further stated that as of the creation of the Kingsville Plaza Facebook page, the page has received 60,000 hits, so people are interested in what is coming to the area.

There being no further comments or discussion, Mayor Fugate closed this public hearing at 5:13 p.m.

III. Reports from Commission & Staff.²

"At this time, the City Commission and Staff will report/update on all committee assignments which may include but is not limited to the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial Services - Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports; Police & Fire Department – Grant Update, Police & Fire Reports; Street Updates; Public Works-Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."

Mr. Mark McLaughlin, City Manager gave a brief update on streets and reported on the Kingsville Racial Profiling Report he recently received from Police Chief, John Blair.

Ms. Courtney Alvarez, City Attorney reported that the next city commission meeting is scheduled for Monday, February 26, 2024, with a deadline for staff to submit their agenda items no later than Thursday, February 15, 2024. She further reported that city offices will be closed on Monday, February 19, 2024, for President's Day.

IV. Public Comment on Agenda Items.³

1. Comments on all agenda and non-agenda items.

Mr. Lance Hamm, 912 South Creek, commented that he is here to speak about agenda item #22 regarding sidewalks. He stated that he emailed the commission earlier today regarding speed limits and the dangers of certain speed limits on certain roadways. Throughout the years there has been some development in the area of General Cavazos, which the speed limit for this road should be 35mph. With so much development in this area, there is little to no sidewalk access to businesses in the area. With the limited sidewalks in this location, it doesn't allow the citizens to push a stroller and walk to the store to get necessary items they may need. It requires the citizen to get in their car and drive to these locations which is kind of a slap in the face and in return it has been seen over the years that they return that slap in the face as they leave and retire in other communities. Mr. Hamm commented that we can start with a sidewalk policy and put a budget line item for the most drastic sidewalks that are needed now for safety. He further commented that there is no reason for a city of this size to not have a policy for sidewalk improvements. He further thanked staff for their work in the downtown area and for slowing down traffic in that area. Mr. Hamm stated that this is not new information, he is only reading the information and passing it along. This is information that has been documented and factual information that is slowing down traffic to prevent serious injuries and deaths.

V.

Consent Agenda

Notice to the Public

The following items are of a routine or administrative nature. The Commission has been furnished with background and support material on each item, and/or it has been

discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

CONSENT MOTIONS, RESOLUTIONS, ORDINANCES AND ORDINANCES FROM PREVIOUS MEETINGS:

(At this point the Commission will vote on all motions, resolutions, and ordinances not removed for individual consideration)

Motion made by Commissioner Lopez to approve the consent agenda as presented, seconded by Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

1. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for advertisements for grant projects and engineering in-house projects. (City Engineer).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2023-2024 Budget to accept and expend donation from TJ Electric for Police Department luncheon. (Police Chief).
3. Motion to approve reappointment of Kathy Pawelek as the Conner Museum representative on the Hotel Occupancy Tax Advisory Board for a two-year term (2/12/24-2/12/26). (Tourism Director).
4. Motion to approve reappointment of Sandra Seymour and Clarice Williams to Park Advisory Board each for a one-year term that would expire on February 11, 2025. (Parks Director).
5. Motion to approve reappointment of David Thibodeaux, Sylvia Molina, Rose Morales, and Ryder Takesuye (Downtown Merchant Reps); Todd Lucas (TAMUK Rep); Gloria Bigger-Cantu (Resident Rep) to the Main Street Advisory Board each for a two-year term (2/12/24-2/12/26). (Downtown Manager).
6. Motion to approve a resolution of the City of Kingsville authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc. for drug and alcohol prevention programs. (Police Chief).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

7. Consider a request to replat Chamb PI (Chamberlain Place), Block 5, Lot 1-32 & ½ of W. Ella St., also known as 400 Block of West Nettie, Kingsville, TX, 78363. (Cynthia Tobar, applicant; Alejandro Zaragoza, owner). (Director of Planning and Development Services).

Motion made by Commissioner Lopez to approve the request to replat Chamb PI (Chamberlain Place), Block 5, Lot 1-32 & ½ of W. Ella St., also known as 400 Block of West Nettie, Kingsville, TX, 78363. (Cynthia Tobar, applicant; Alejandro Zaragoza, owner), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

8. Consider introduction of an ordinance amending the zoning ordinance by changing the zoning map in reference to Chamberlain Place, Block 6, Lot 1-32 (old Flato School), also known as 400 Block of West Santa Gertrudis (Property ID#18241), Kingsville, Texas from R1 (Single Family District) to C2 (Retail District); amending the comprehensive plan to account for any deviations from the existing comprehensive plan. (Director of Planning and Development Services).

Introduction item.

9. Consider the appointment of Sally Macias to Park Advisory Board to fill an unexpired two-year term ending February 8, 2025. (Parks Director).

Motion made by Commissioner Torres to approve the appointment of Sally Macias to Park Advisory Board to fill an unexpired two-year term ending February 8, 2025, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

10. Consider resolution ordering the City of Kingsville General Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk. (City Secretary). (CONSIDERE UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA). (SECRETARIA MUNICIPAL).

Motion made by Commissioner Lopez to approve the resolution ordering the City of Kingsville General Election, designating voting precincts, polling places establishing election procedures and appointing Early Voting Clerk. (City Secretary). (CONSIDERE UNA RESOLUCIÓN QUE ORDENA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, DESIGNA LOS DISTRITOS ELECTORALES Y LOS SITIOS DE VOTACIÓN, ESTABLECE LOS PROCEDIMIENTOS DE LAS ELECCIONES Y NOMBRA A LA SECRETARIA ENCARGADA DE LA VOTACIÓN ANTICIPADA), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting 'FOR'.

11. Consider a resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville General Election on May 4, 2024. (City Secretary). (CONSIDERE UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, QUE SE LLEVARÁN A CABO EL 4 DE MAYO DE 2024.) (SECRETARIA MUNICIPAL).

Motion made by Commissioner Lopez to approve the Consider a resolution appointing Election Judges and the Early Voting Ballot Board Judge for the City of Kingsville General Election on May 4, 2024. (City Secretary). (CONSIDERE UNA RESOLUCIÓN QUE NOMBRA JUECES ELECTORALES Y EL JUEZ DE LA JUNTA DE VOTACIÓN ANTICIPADA PARA LAS ELECCIONES GENERALES DE LA CIUDAD DE KINGSVILLE, QUE SE LLEVARÁN A CABO EL 4 DE MAYO DE 2024.) (SECRETARIA MUNICIPAL), seconded by Commissioner Alvarez and Commissioner Torres. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate for "FOR".

12. Consider awarding TIRZ Creation Services to David Pettit Economic Development, LLC., as per staff recommendation, and approving a resolution authorizing the City Manager to execute an Agreement for TIRZ Creation Services between the City of Kingsville and David Pettit Economic Development, LLC. (for Kings Plaza TIRZ-Flato School site). (Economic Development Director).

Mr. Manny Salazar, Economic Development Director stated that utilization of a Tax Increment Reinvestment Zone is a widely used economic development incentive tool that is designed to spur development within a specific geographic area. This is designed to build infrastructure, encourage development, and reduce the costs of private developers by providing for the reimbursement of funds for eligible public improvements. The TIRZ will not implement a new tax rate, it will instead redirect some of the ad valorem tax from the property in a geographic area to the TIRZ to pay for improvements within the zone. This agreement will allow the hiring of David Pettit Economic Development for a tax increment reinvestment zone creation.

Motion made by Commissioner Lopez to award TIRZ Creation Services to David Pettit Economic Development, LLC., as per staff recommendation, and approving a resolution authorizing the City Manager to execute an Agreement for TIRZ Creation Services between the City of Kingsville and David Pettit Economic Development, LLC. (for Kings Plaza TIRZ-Flato School site), seconded by Commissioner Alvarez. The motion was passed and approved by the following vote: Lopez, Torres, Hinojosa, Alvarez, Fugate voting "FOR".

13. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for professional services fee for the creation of a Kings Plaza TIRZ District. (old Flato School Property off 400 Block of W. Santa Gertrudis area). (Economic Development Director).

Introduction item.

14. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the purchase of a range ball picker for the golf course. (Parks Director).

Mrs. Susan Ivy, Parks Director stated that the range ball picker at the Golf Course is currently not working and will cost approximately \$2,000 to get it fixed with a new range ball picker costing \$3,206.

Introduction item.

15. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for the animal shelter and current project balances. (Purchasing Manager).

Mr. Charlie Sosa, Purchasing Manager stated that the city previously allocated \$200,000 of GF ARP funding for the construction of the new animal shelter. Staff is requesting an additional \$261,869.09 in remaining ARP funds for the new animal shelter building project. In the GF ARP fund there are some completed projects with leftover funds. It is proposed to send the remaining project balances to 1030-31400 to hold until it is decided what to do with the funding. He further stated that in the Tourism ARP funds there are uncommitted funds of \$26,510.72 and the Grounds and Permanent Fixtures line item is short \$1,268.72

of what was currently budgeted, so funds in the amount of \$1,268.72 are recommended for reallocation to get all remaining funds budgeted.

Introduction item.

16. Consider a resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Criminal Justice Division's Body-Worn Camera Grant Program, FY2025; authorizing the Chief of Police to act on the City's behalf with such program. (Police Chief).

Mr. John Blair, Police Chief stated that the police department is requesting to apply for funds from the FY 2024-2025 OOG Solicitation Body-Worn Cameras Grant Program. The purchase will consist of hardware and software to allow for the replacement of outdated body-worn cameras. The upgraded system will improve the recording and downloading of the camera footage as well as software and hardware upgrades to allow for the storage of video from those cameras. Mr. Blair further stated that the grant has a 25% cash match.

Commissioner Torres asked what the dollar amount for the grant was. Ms. Alvarez responded that they will more than likely ask for the \$83,000 with a little over \$20,000 for the cash match from the city, if awarded.

Motion made by Commissioner Torres to approve the resolution authorizing application to, administration of, and acceptance of Office of the Governor, Public Safety Office, Criminal Justice Division's Body-Worn Camera Grant Program, FY2025; authorizing the Chief of Police to act on the City's behalf with such program, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Torres, Hinojosa, Alvarez, Lopez, Fugate voting "FOR".

17. Consider a resolution authorizing the Mayor to execute Amendment No. 2 for Grant Administration Services Agreement with GrantWorks for GLO State Contract Number 22-082-016-D218. (City Engineer).

Mr. Rudy Mora, City Engineer stated that Amendment No. 2 amends the contract for Administrative Services Agreement with GrantWorks Inc. to implement a progress billing approach for key milestones aligning with all not-to exceed percentages and implementation of LCPtracker of current and future projects with the General Land Office (GLO). LCPtracker is a software solution for certified payroll and workforce reports which will reduce common payroll issues and increase the efficiency of payroll submissions while introducing additional layers of validation to ensure regulatory compliance. He further stated that the contract price will not change if this amendment is approved.

Motion made by Commissioner Alvarez to approve the resolution authorizing the Mayor to execute Amendment No. 2 for Grant Administration Services Agreement with GrantWorks for GLO State Contract Number 22-082-016-D218, seconded by Commissioner Lopez and Commissioner Torres. The motion was passed and approved by the following vote: Hinojosa, Alvarez, Lopez, Torres, Fugate voting "FOR".

18. Consider a resolution of the City of Kingsville, Texas finding that the Statement of Intent of CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy to change rates filing within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).

Motion made by Commissioner Hinojosa to approve the resolution of the City of Kingsville, Texas finding that the Statement of Intent of CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy to change rates filing within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel, seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Alvarez, Lopez, Torres, Hinojosa, Fugate voting "FOR".

19. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Chapter VII, Article 4, Bicycles, Sections 15-22; providing for the removal of bicycle licensing regulations. (City Attorney).

Ms. Alvarez stated that it has been decades since bicycle licensing was done at the Police Department, so it is recommended this obsolete ordinance be removed.

Introduction item.

20. Consider introduction of an ordinance amending the City of Kingsville Code of Ordinances Sections 15-6-115, 116 and 126, providing for revisions to the sign

ordinance to reflect legislative changes. (City Attorney/Director of Planning and Development Services).

Ms. Alvarez stated that the State Legislature revised the state statute that authorizes a city's ability to regulate political signs. Staff has been aware of the state statutory change to municipal regulation of political signs even though not currently referenced in the city ordinance. After consulting with the Planning Director, the belief is it would be easier for the public to understand and staff to enforce if the ordinance was updated to reflect the statute. She further stated that as there may be some confusion regarding municipal regulation of political signs, references are being added to that section. This will allow for any questions asked, and the code and statute can be looked at as both would need to be complied with.

Commissioner Alvarez asked if some of the changes were allowing them on personal property when before they were not allowed.

Ms. Alvarez responded that they have been allowed on personal properties, but there was a limitation with regard to the number and square footage. She further stated that if it has an area greater than 36 feet, more than eight feet high, illuminated, or has moving parts, the city can still regulate against those.

Introduction item.

21. Consider introduction of an ordinance amending the Fiscal Year 2023-2024 Budget to appropriate funding for plumbing work approved last FY22-23 but completed this FY23-24 for the Tourism Department. (Tourism Director).

Ms. Janine Reyes, Tourism Director stated that this project was budgeted in the previous year's budget, but the work was completed this current fiscal year, therefore requiring staff to move the funds from the previous fiscal year into the current fiscal year.

Introduction item.

22. Discussion on ordinances and regulations regarding sidewalks. (Commissioner Lopez).

Commissioner Lopez stated that she has received a couple of phone calls regarding sidewalks in an area where there are no neighbors and only acres of land. She stated that the most recent call was from Armstrong where the city requested for the property owner to build a sidewalk and as it was TxDOT property there was no way that a sidewalk could be built. She further stated that there was another property on Trant Road and there is no one around that area as it is farmland. She stated that she understands the need for sidewalks where there are neighborhoods and agrees with Mr. Hamm comment regarding sidewalks on General Cavazos. She also stated that Caesar also lacks sidewalks and this road has people walking on the side of the road. Commissioner Lopez stated that it is a burden to the people that are building, it is required to put a driveway in a new build, but to have them build a sidewalk where there are no connecting neighbors makes no sense.

Commissioner Hinojosa commented that this could be confusing as there are neighborhoods that have no sidewalks and yet the city has an ordinance that requires sidewalks, such as Alexander Street. Alexander Street only has one section down the road that has a sidewalk, as that property owner had to put in a sidewalk with their new build.

Mayor Fugate stated that the city has built a lot of sidewalks in the area, such as those on safe routes to school. He further stated that the problem is that streets on his neighborhood have no sidewalks, so when you have someone new coming into the those new neighborhoods, the city requires them to build a sidewalk. He further stated that it is not the new subdivisions that are going up, it's more the old neighborhoods that if someone builds a new home in an older street, the city is requiring them to build a sidewalk, no matter if there is existing sidewalks on that street.

Commissioner Lopez stated that she was told that if the people that don't have sidewalks right now, if they make someone build a sidewalk and people that don't have sidewalks, if they do anything to their yard then they will be made to put a sidewalk in.

Mr. McLaughlin stated that every project is different. He further stated that if you take a property and want to rebuild a house, then a sidewalk would be required as per city ordinance that has been in place since 1962. He further stated that there are areas in town that will never have a sidewalk as there is not enough right-of-way to build one. He also stated that a sidewalk has to be in a city's right-of-way as we would be creating public access. He stated that there have been newer subdivisions such as South Creek Subdivision and there are no sidewalks built in that area.

Commissioner Torres stated that this goes hand in hand as it is the driveway/sidewalk ordinance, which is together. This doesn't make sense as in her area on West Sage Road, which is one block that runs from Young to Armstrong where everyone is made to make a 200 yard driveway, to which now they have a ditch that now it rains and all the mud is in the culverts and there is no room for sidewalks.

Mr. McLaughlin commented that sidewalks have not been required on this street as it is not wide enough of a road.

Commissioner Lopez commented that West Sage Road currently does not have sidewalks on that street.

Commissioner Torres stated that a sidewalk and driveway cost a lot of money to be built, nothing less than \$10,000. She stated that if this is a 1962 ordinance it does not make sense as there are a lot of homes that have been built since 1962, and this is a pick-and-choose on who the city will allow to abide by the ordinance or who will be allowed to not abide the ordinance. She further stated that if what staff is saying that this is an ordinance from 1962, then she would like a list of all the homes that have been built since 1962 that were approved to be built without a sidewalk.

Mr. McLaughlin stated that if the commission decided to modify this ordinance, certain things would still be required, such as for commercial property, commercial property would require a sidewalk. He further stated that what it comes down to is the residential areas. There are no regulations that stipulate that you have to have a sidewalk in a residential area, other than the city's ordinance. There are some stipulations in the TDLR that if in a residential area feed into a commercial area and has obstructions in it, you will need to have the appropriate ramps and sidewalks. Mr. McLaughlin commented that this is a hard situation when it comes to sidewalks, as the Commission would need to direct staff to do something fair to all.

Commissioner Lopez asked if staff could look further into this and think of what would be fair for all and then present it to the Commission.

Mr. McLaughlin stated that staff has been working on this and cannot come up with an answer as this time. He further stated that staff has been looking at other communities and see how they are working with sidewalks.

Discussion item.

23. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).

Mayor Fugate read both executive session items #23 & 24 and convened the meeting into executive session at 6:05 p.m.


This executive session ended at 6:25 p.m.

24. Executive Session: Pursuant to Section 551.074, of the Texas Open Meetings Act, the City Commission shall convene in executive session to deliberate the evaluation & duties of the City Manager. (Mayor Fugate).

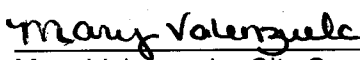
This executive session began at 6:26 p.m. and ended at 6:36 p.m.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 6:37 P.M.


Sam R. Fugate, Mayor

ATTEST:


Mary Valenzuela, City Secretary