The City Council of the City of Bonham met in regular session on Monday evening at 5:30 p.m. in the Bonham City Hall at 514 Chestnut with the following members present:

- H. L. Compton: Mayor
- John Burnett: Mayor Pro tem, Council Member Ward 1
- Timothy La Vergne II: Council Member Ward 2
- Wayne Moore: Council Member Ward 3
- Vacant: Council Member Ward 4
- Absent: Ernie Quintana
- Michael Evans: Council Member-at-Large

**CALL TO ORDER * MINUTES**

An invocation was offered by Mark Posey of the First Congregational Church. Mayor Compton called the meeting to order noting that a quorum was present and called for a motion regarding the minutes of the December 11th regular meeting. A motion was made by Burnett and was seconded by Moore to approve the minutes as written. The motion carried with a unanimous vote 5 – 0.

**FINANCIAL REPORT FOR DECEMBER 2023**

Sarah Osburn stated the state has not yet put out the sales tax information. We should receive it in the next day or so and next month’s financial report will include two months of sales tax information. The FY 22 audit is wrapping up and we should have a draft soon. A motion was made by Evans and was seconded by La Vergne to accept the financial report as presented. The motion carried with a unanimous vote 5 – 0.

**CITIZENS OPPORTUNITY TO SPEAK**

Mayor Compton invited citizens who would like to address the Council regarding items on the agenda or other concerns not listed on the agenda to do so now. ▲ Rusty Deets, 332 Boyd Loop, stated the intersection of Graham, Island Bayou and Boyd has been closed for five days and that is unacceptable. The citizens in that area have lost water twice and weren’t given any notice either time. ▲ Molly Goodson, 103 E 15th St, stated she had a meeting last week with the City Attorney regarding why the Library board meetings are not open to the public. Ms. Goodson stated the City Attorney told her she would need the Council to advise her she can speak with Ms. Goodson on the matter. Ms. Goodson would like the Council to give permission to the attorney to speak with her on this topic. ▲ Melissa Maxwell, 327 N Main St, invited the public to the time capsule burial on February 2, 2024 at 11:00 a.m. ▲ Jim Ashmore, 14858 FM 274 Ravenna, asked if item 7 on the agenda would be an open discussion where the public could speak.

**EMPLOYEE OF THE YEAR**

Brad Nichols presented a plaque to Amanda Wright, the Employee of the Year. Ms. Wright works in the Water Department.

**PRESENTATION – CEREMONIAL BADGE PINNING FOR POLICE DEPARTMENT**

Police Chief Hawkes stated as Bonham PD continues to change and grow we’ve had a series of promotions that we wanted to publically recognize. Chief Hawkes called all officers who are receiving a promotion to the front of the room. Chief Hawkes stated Melanie Elliott is being promoted to Captain but is currently in Leadership school and is unable to attend and Frank Wilson is being promoted to Corporal but is unable to attend tonight. Richard Armor just graduated from the Police Academy and is Bonham’s newest Officer, Matt Morales was promoted to Sergeant, Blake Garcia was promoted to Corporal and Terry Edington was promoted to Captain. All officers were pinned with their new ranks.
PRESENTATION – LIFE SAVING AWARD TO OFFICER FRANK WILSON
No action taken. Officer Wilson was unable to attend.

ORDINANCE – SIDEWALK CURB AND GUTTER
Mayor Compton opened the public hearing on an ordinance amending Article 3.13 Division 3 “Sidewalk Curb and Gutter” (Ordinance 1297) establishing sidewalk, curb and gutter requirements and specifications for new and existing developments. Mark Kinnaird, Director of Community Development, stated last October we asked the city attorney to provide a written opinion regarding the city’s requirements for curb and gutter that we had in the zoning and sidewalks ordinance. The legal opinion stated the city does have legal authority concerning this requirement. The attorney also advised staff may want to review current ordinances and make proper modifications to make these requirements more visible and easily accessible within the ordinance. These modifications were presented to the Planning and Zoning Board in November and brought before the Council tonight. The requirements didn’t change, just making it easier to find. Michael Evans asked about State Highway 78 north of Highway 82. Evans was curious about where our right of way is because the states right of way extends pretty broadly across there. Evans stated he was wondering about the feasibility of ordering sidewalks in that area which is all industrial. Mr. Kinnaird stated within our ordinances a property owner/developer/builder has the right to appeal to the Planning and Zoning Commission that it would be a hardship or not feasible. This gives the developer an option to appeal. City Manager Pate stated this is where the city has been debated before because there are areas where there are topographical challenges or some other type of challenge where there was a debate on if it was feasible to have sidewalk, curb or gutter. Rusty Deets stated he personally thinks that if we pass an ordinance then it should be obeyed by all or none. There shouldn’t be any loop holes. The Wesley House didn’t put any sidewalks along 121 in their development. Fix N Feed and Starbucks also didn’t put in any sidewalks. All its doing is creating problems. Jim and Karen Ashmore asked for some clarity. The Ashmore’s asked if a legal opinion is enough to make a judgment on and was advised it is. Mrs. Ashmore asked what authority the transportation code has on municipalities. Mrs. Ashmore called her local district representative and he felt it was odd for a city to use that code as a reason for curb and gutter. The representative stated he would check into it but she hasn’t received a return call from him. Mr. Kinnaird read Transportation Code Section 311.001, which states a home-rule municipality has exclusive control over the public highways, streets and alleys of the municipality and has the right to regulate the same. This provision gives the city the authority to provide curb and gutter because drainage problems can become an obstacle for transportation. Mrs. Ashmore asked if Council was aware of House Bill 2127 that went into effect in September. House Bill 2127 says the state requires that before a city can adopt an ordinance it has to be in the Texas State Statutes. Home rule cities would no longer have the ability to adopt ordinances unless it was already a statute from the state that allows them to adopt it. City Manager Pate stated the statue would be the Transportation Code which is a state law. Our ordinance wouldn’t be superseding state law; it would just be adopting the state law. Alternative forms of transportation as identified in the code would be bike lanes and pedestrian friendly sidewalks. Mr. Pate stated he doesn’t know why there is confusion about citing the Transportation Code because there are many alternative forms of transportation by law. When Police have had to enforce loitering on sidewalks they would cite the Transportation Code because there are subsections that stated you couldn’t impede traffic etc. Mrs. Ashmore stated she doesn’t see the purpose of sidewalks in certain places where a vehicle parked in the driveway will impede part of the sidewalk. Spacing of sidewalks was discussed. City Attorney Christina Tillet stated she was asked to review the city authority to require the installation of sidewalks, curb and gutter. Ms. Tillet stated the authority to be able to require sidewalks is found in Section 3.13.084 of the city ordinance previously adopted. The Transportation Code discusses a home rule municipality’s duty with regard to public highways, streets and alleys of the city. Under Transportation Code section 311.001 the city arguably has the authority to require curbs and gutters. Section 311.004 discusses that a home rule municipality may construct a sidewalk or more importantly provide for the improvement of a sidewalk or construction of a curb under an ordinance enforced by a penal provision. This clearly gives the city the authority to adopt this ordinance. Ms. Tillet stated the way the ordinance is currently written it makes it discretionary with the Planning and Zoning Commission to make the
requirements. Rusty Deets would like to see the city step up and say it's mandatory from the beginning. There were no other comments forthcoming and the Mayor closed the public hearing. City Manager Pate then read the caption of the ordinance. A motion was made by Burnett and was seconded by Moore to reject the ordinance and bring it back with the exception that it will not apply to Highway 78 north of the 82 bridge to the city limits of Bonham. The motion carried with a unanimous vote 5 – 0

**ADJOURNMENT**

There was no further business to consider, and a motion to adjourn was made by Moore and was seconded by Evans. The motion carried with a unanimous vote, and the meeting adjourned at 6:14 p.m.

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H. Compton, Mayor

**ATTEST:**

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Heather Stockton, City Secretary