



**NOTICE OF A WORK SESSION  
OF THE CITY COUNCIL  
OF THE CITY OF SUNSET VALLEY, TEXAS  
TUESDAY, MAY 17, 2022  
5:00 P.M. - 6:00 P.M.**

In accordance with the Open Meetings Act, Chapter 551 of the Government Code of Texas, notice is hereby given to all interested persons that the Sunset Valley City Council will hold a Work Session at **5:00 P.M.** on Tuesday, May 17, 2022 in the City Council Chambers, 3205 Jones Road, Sunset Valley, Texas, for the following purposes:

1. Call to order of the City Council
2. Citizen/Public Communication (Limited to 3 minutes)
3. Council will discuss the following items, but take no action:
  - A. Can the City sell public property without a vote of the residents?
4. Directive to the City Administrator by the Mayor regarding follow-up work products for a future Council Agenda.
5. Adjourn

***Remote Participation Notice***

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.

I certify that the above notice of meeting was posted at City Hall, 3205 Jones Road, Sunset Valley, Texas, on the 12<sup>th</sup> day of May 2022 at 5:00 P.M.

*Matt Lingafelter*  
Matt Lingafelter  
City Secretary

CITY COUNCIL MEETING DATE: MAY 17, 2022



## CITY COUNCIL WORKSHOP

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**STAFF PREPARER/CONTACT INFORMATION:** Sylvia Carrillo, City Administrator.  
[scarrillo@sunsetvalley.org](mailto:scarrillo@sunsetvalley.org)

**SUBJECT:** CHAPTER

**DESCRIPTION:** Question: Can the City sell public property without a vote of the residents?

**BACKGROUND:**

In short, YES, the City is authorized under Chapter 51, Subchapter B, Section 51.011-51.018 of the Local Government Code, unless classified as “parkland”.

**Type of Government**

The City of Sunset Valley is a Type A, General Law City. Different from a Home Rule municipality who has an adopted charter, a General Law City has only the powers specifically designated to it by the legislature in the Local Government Code.

LOCAL GOVERNMENT CODE

TITLE 2. ORGANIZATION OF MUNICIPAL GOVERNMENT

SUBTITLE A. TYPES OF MUNICIPALITIES

CHAPTER 5. TYPES OF MUNICIPALITIES IN GENERAL

SUBCHAPTER A. TYPES OF MUNICIPALITIES

Sec. 5.001. TYPE A GENERAL-LAW MUNICIPALITY. A municipality is a Type A general-law municipality if it:

(1) has incorporated as a Type A general-law municipality under Subchapter A of Chapter 6 and has not acted to change to another type of municipality;

(2) has changed to a Type A general-law municipality under Subchapter B of Chapter 6 and has not acted to change to another type of municipality; or

(3) operated, immediately preceding September 1, 1987, under Chapters 1-10, Title 28, Revised Statutes, and has not acted to change to another type of municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS AFFECTING TYPES OF  
MUNICIPALITIES

Sec. 5.901. TERRITORIAL REQUIREMENTS FOR INCORPORATION AS GENERAL-LAW MUNICIPALITY. A community may not incorporate as a general-law municipality unless it meets the following territorial requirements:

(1) a community with fewer than 2,000 inhabitants must have not more than two square miles of surface area;

(2) a community with 2,001 to 4,999 inhabitants must have not more than four square miles of surface area; and

(3) a community with 5,001 to 9,999 inhabitants must have not more than nine square miles of surface area.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

**City of Sunset Valley Code of Ordinances**

Chapter 11

City Standards

§ 11.01 LEGAL INCORPORATION.

(A) It is hereby officially found, determined and declared that the city is legally incorporated under the laws of the state and that the city contains at least one manufacturing establishment.

(B) In accordance with Tex. Rev. Civ. Stat. Art. 961, 1925, the city hereby accepts the provisions of Tex. Rev. Civ. Stat. Title 28, 1925, as amended, relating to cities and towns, including particularly Chapters 1 through 10 thereof.

(C) The city shall hereafter be known as the "City of Sunset Valley, Texas" and shall be subject to the provisions of Tex. Rev. Civ. Stat. Title 28, 1925, as amended, relating to cities and towns, including particularly Chapters 1 through 10 thereof, and shall be vested with all rights, powers, privileges and immunities and franchises therein conferred.

(D) This section shall be entered upon the journal of the proceedings of the City Council and a copy of this section shall be signed by the Mayor and attested by the City Secretary under the corporate seal of the city and shall be filed and recorded in the office of the County Clerk.

(Ord. 27, passed 3-12-1974)

Statutory reference:

Tex. Rev. Civ. Stat., Art. 961 and Title 28 have been replaced with the Tex. Loc. Gov't Code. Under Tex. Loc. Gov't Code § 5.001, the city continues to operate as a Type General-Law Municipality

§ 11.02 CERTIFICATE OF ORDINANCE.

(A) The certificate of ordinance is hereby readopted, reconfirmed and ratified in all aspects.

(B) The recitals contained in the preamble of the ordinance codified herein are hereby found to be true and the recitals are

hereby made a part of this section for all purposes and are adopted as a part of the judgment and findings of the City Council.

(C) This section shall be construed and enforced in accordance with the laws of the state and the United States of America.

## **City Property**

**Chapter 51, Subchapter B, Section 51.015 authorizes the City (elected officials of the City, City Council) to take, hold, or convey property (sell).**

### LOCAL GOVERNMENT CODE

#### TITLE 2. ORGANIZATION OF MUNICIPAL GOVERNMENT

#### SUBTITLE D. GENERAL POWERS OF MUNICIPALITIES

#### CHAPTER 51. GENERAL POWERS OF MUNICIPALITIES

#### SUBCHAPTER B. PROVISIONS APPLICABLE TO TYPE A GENERAL-LAW MUNICIPALITY

Sec. 51.011. SUBCHAPTER APPLICABLE TO TYPE A GENERAL-LAW MUNICIPALITY. This subchapter applies only to a Type A general-law municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 51.012. ORDINANCES AND REGULATIONS. The municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 51.013. AUTHORITY RELATING TO LAWSUITS. The municipality may sue and be sued, implead and be impleaded, and answer and be answered in any matter in any court or other place.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 51.014. AUTHORITY TO CONTRACT. The municipality may contract with other persons.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

**Sec. 51.015. AUTHORITY TO HOLD, PURCHASE, LEASE, OR CONVEY PROPERTY. (a) To carry out a municipal purpose, the municipality may take, hold, purchase, lease, grant, or convey property located in or outside the municipality.**

**(b) The governing body of the municipality may manage and control the property belonging to the municipality.**

**Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.**

Sec. 51.016. ADOPTION AND USE OF SEAL. The municipality may adopt a corporate seal for the use of the municipality. The municipality may change and renew the seal.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

## EXCEPTION TO THE RULE – PARKLAND

### LOCAL GOVERNMENT CODE

#### TITLE 8. ACQUISITION, SALE, OR LEASE OF PROPERTY

##### SUBTITLE A. MUNICIPAL ACQUISITION, SALE, OR LEASE OF PROPERTY

##### CHAPTER 253. SALE OR LEASE OF PROPERTY BY MUNICIPALITIES

Sec. 253.001. SALE OF PARK LAND, MUNICIPAL BUILDING SITE, OR ABANDONED ROADWAY. (a) Except as provided by Subsection (b), the governing body of a municipality may sell and convey land or an interest in land that the municipality owns, holds, or claims as a public square, park, or site for the city hall or other municipal building or that is an abandoned part of a street or alley. A sale under this section may include the improvements on the property.

***(b) Land owned, held, or claimed as a public square or park may not be sold unless the issue of the sale is submitted to the qualified voters of the municipality at an election and is approved by a majority of the votes received at the election;***

***provided, however, this provision shall not apply to the sale of land or right-of-way for drainage purposes to a district, county, or corporation acting on behalf of a county or district.***

(c) To effect the sale, the governing body shall adopt an ordinance directing the municipality's mayor or city manager to execute the conveyance.

(d) The proceeds of the sale may be used only to acquire and improve property for the purposes for which the sold property was used. Failure to so use the proceeds, however, does not impair the title to the sold property acquired by a purchaser for a valuable consideration.

(e) Subsection (b) does not apply to a conveyance of park land that:

(1) is owned by a home-rule municipality with a population of less than 80,000 and that is located in a county bordering the Gulf of Mexico;

(2) is one acre or less;

(3) is part of a park that is 100 acres or less;

(4) is sold or is conveyed as a sale to the owner of adjoining property; and

(5) is conveyed pursuant to a resolution or an ordinance that:

(A) is adopted under this section;

(B) requires the sale to be with an owner of adjoining property for fair market value as determined by an independent appraisal obtained by the municipality; and



(C) has an effective date before December 31, 1995.

(f) The election requirements of Subsection (b) do not apply to a conveyance of a park if:

(1) the park is owned by a home-rule municipality with a population of more than one million;

(2) it is a park of two acres or less;

(3) the park is no longer usable and functional as a park;

(4) the proceeds of the sale will be used to acquire land for park purposes;

(5) a public hearing on the proposed conveyance is held by the governing body of the home-rule municipality and that body finds that the property is no longer usable and functional as a park; and

(6) the park is conveyed pursuant to an ordinance adopted by the governing body of the home-rule municipality, unless within 60 days from the date of the public hearing the governing body of the home-rule municipality is presented with a petition opposing the conveyance which contains the name, address, and date of signature of no less than 1,500 registered voters residing within the municipal limits of the municipality; then, the governing body of the home-rule municipality shall either deny the conveyance or shall approve the conveyance subject to the election required in Subsection (b); or

(7) the conveyance involves an exchange of two existing parks, situated within a home-rule municipality with a population

of more than one million, that together total 1.5 acres or less in size, that are located within 1,000 feet of each other, that are located in an industrial area, that have been found in a public hearing to no longer be usable and functional as parks, and that are conveyed pursuant to an ordinance, adopted by the governing body of that municipality, that has an effective date before December 1, 1993.

(g) A sale made under Subsection (e) or (j) is exempt from the notice and bidding requirements in Chapter [272](#).

(h) Expired.

(i) Subsection (b) does not apply to a conveyance of park land that is:

(1) owned by a home-rule municipality with a population of more than 625,000;

(2) less than three acres and part of a larger park that is located in a flood plain or floodway;

(3) not actively used for recreational purposes;

(4) sold or conveyed as an interest in land to the owner of an interest in the adjoining property; and

(5) conveyed pursuant to a resolution or an ordinance that has an effective date before December 31, 2004.

(j) Subsection (b) does not apply to a conveyance of park land that is:

(1) owned by a home-rule municipality with a population of less than 100,000;

(2) one-third acre or less;

(3) part of a park that is five acres or less; and

(4) sold or conveyed as a sale to the owner of adjoining property as provided by a resolution or ordinance that has an effective date before December 31, 2007.

(k) A petition for the judicial review of the sale of park land under Subsection (j) must be filed on or before the 30th day after the date the ordinance or resolution is adopted. A petition filed after the period prescribed by this subsection is barred.

(l) Subsection (b) does not apply to a conveyance of park land owned by a home-rule municipality that:

(1) is located in a county with a population of more than three million; and

(2) has a population of more than 25,000 and less than 33,000.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 328, Sec. 14, eff. Sept. 1, 1989; Acts 1989, 71st Leg., ch. 597, Sec. 1, eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 179, Sec. 1, eff. May 17, 1993; Acts 1995, 74th Leg., ch. 344, Sec. 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 33, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 13.18, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 754, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 633 (H.B. [680](#)), Sec. 1, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 577 (H.B. [3352](#)), Sec. 1, eff. June 17, 2011.

SUPPORTING MATERIALS PROVIDED: NO