



**MINUTES
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
FEBRUARY 16, 2023
6:30 PM**

PRESENT

Mayor Scott Kimble
Councilmember Johnny Waldrip
Councilmember Mike Kidd
Councilmember Angela Nichols
Councilmember Merle Breitenstein
Councilmember Shelly Anderson

STAFF

City Manager Mike Peacock
City Secretary Alice Holloway
City Attorney Terry Welch
Asst. City Manager Amber Bransom
Dev. Services Director Aaron Maldonado
Police Chief David Gelsthorpe

ABSENT

Councilmember Robert Fleming

The Joshua City Council held a Work Session at 6:30 pm. A Regular Meeting will be held immediately following the Work Session in the Council Chambers at the Joshua City Hall, located at 101 S. Main St., Joshua, Texas, on February 16, 2023. This meeting is subject to the open meeting laws of the State of Texas.

Individuals may attend the meeting in person or access the meeting via videoconference or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/86306996061?pwd=Rk15KzU2Z0xsS3poTExGaUFTclNlUT09>

Meeting ID: 863 0699 6061 Passcode: 557335 or dial 346-248-7799

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Mayor Kimble announced a quorum and called the meeting to order at 6:30 pm.

B. PLEDGE OF ALLEGIANCE

1. United States of America
2. Texas Flag

Councilmember Anderson led the Pledge of Allegiance.

C. INVOCATION

Pastor Patrick Joyner gave the invocation.

D. WORK SESSION

1. Discussion on the potential of a bond election to be held in May 2023 for a municipal center. (Staff Resource: M. Peacock)

Debbie Fulwiler, Luis Galnares, and John Rohrer, representatives of Elements of Architecture, Inc., gave a presentation regarding the proposed Joshua Municipal Building. The presentation included the following:

A conceptual exterior showing city hall would be on the first floor and the police department would be downstairs. Parking for citizens would be in front of the building, and employees and city vehicles would be in the back of the building. In addition, a draft layout of offices for city hall and the police department was shown.

2. Review and discuss questions related to the budget report and financial statement for January 2023. (Staff Resource: M. Peacock)

City Manager Peacock stated that the city is well within budget.

3. Discuss and review the 2022 Joshua Police Department Racial Profiling Analysis. (Staff Resource: D. Gelsthorpe)

Chief Gelsthorpe stated that the report is favorable.

4. Update on current City Streetlights and future requests for a Streetlight. (Staff Resource: M. Peacock)

City Manager Peacock stated that city staff is working on an online form for citizens to fill out to request a new streetlight. In addition, he stated citizens can currently report a light out on the city website. City Manager Peacock noted that he had staff drive the city at night and they reported over 40 lights out which have been reported.

5. Discussion on the Mountain Valley Fiber Project. (Staff Resource: M. Peacock)

City Manager Peacock stated that he has been working with Pathway to provide 320 residents in Mountain Valley with fiber optic internet. City Manager Peacock asked if City Council would be interested in pursuing more information for an agreement with Pathway. City Council agreed they would like more information.

6. Discussion on restricted funds policy. (Staff Resource: M. Peacock)

City Manager Peacock stated that he is asking for direction regarding restricted funds. City Manager Peacock stated that when donations are given, they go into a donation fund, but at the end of the year, it goes into the general fund and does not carry over. In addition, he asked for direction on allowing these funds to be carried over at the end of each year so the donations may be used as intended. City Council agreed with the funds carrying over each year.

7. Discussion on parkland and the Park Masterplan. (Staff Resource: M. Peacock)

City Manager Peacock stated that City Secretary Holloway is working with GrantWorks on an updated Park Master Plan. In addition, he stated that he was impressed with the draft that is currently being reviewed.

8. Discussion on traffic issues at Henderson St. and Cooper Valley. (Staff Resource: M. Peacock)

City Manager Peacock stated that the city would be required to obtain approximately 1.6 acres of right of way. In addition, he asked for direction from the council. City Council gave staff direction to move forward.

E. UPDATES FROM MAYOR AND COUNCIL MEMBERS, UPDATES FROM CITY STAFF MEMBERS:

Pursuant to Texas Government Code Section 551.0415, the Mayor and Members of the City Council may report on the following items of community interest, including (1) expressions of thanks, congratulations, or condolences; (2) information about holiday schedules, (3) recognition of individuals; (4) reminders about upcoming City Council events; (5) information about community events; and (6) announcements involving any imminent threat to public health and safety. Staff Updates will address operational issues in various City departments. No deliberation is authorized under the Texas Open Meetings Act.

Councilmember Anderson congratulated Glen Walden on his election with JCSUD.

F. PUBLIC FORUM, PRESENTATION, AND RECOGNITION:

The City Council invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the City Council is required under the Texas Open Meetings Act to limit its response to responding with a statement of specific factual information, reciting the City's existing policy, or directing the person making the inquiry to visit with City Staff about the issue. Therefore, no Council deliberation is permitted. Each person will have 3 minutes to speak.

Mr. Bruce Orr stated that he had questions about whether the city was planning on annexing properties that did not renew their development agreement. City Secretary Holloway stated that she met with Mr. Orr, and he had several questions. She stated that she explained that she could not answer legal questions and advised him that she would discuss it with the city attorney after the meeting. City Attorney gave his business card to Mr. Orr and invited him to call the following day.

G. CONSENT AGENDA

1. Discuss, consider, and possible action on the meeting minutes of January 19, 2023. (Staff Resource: A. Holloway)

Motion made by Councilmember Breitenstein to approve the meeting minutes of January 19, 2023.

Seconded by Councilmember Kidd.

Voting Yea: Mayor Kimble, Councilmember Waldrup, Councilmember Kidd, Councilmember Nichols, Councilmember Breitenstein, Councilmember Anderson

H. REGULAR AGENDA

1. Discuss, consider, and possible action on an Ordinance calling a Bond Election to be held in the City of Joshua, Texas; making provisions for the conduct of an election; and resolving other matters incident and related to such election.

Motion made by Councilmember Anderson to approve an Ordinance calling a Bond Election to be held in the City of Joshua, Texas; making provisions for the conduct of an election; and resolving other matters incident and related to such election. Seconded by Councilmember Breitenstein.

Voting Yea: Mayor Kimble, Councilmember Waldrup, Councilmember Kidd, Councilmember Nichols, Councilmember Breitenstein, Councilmember Anderson

2. Public hearing regarding amendments to Tree Preservation State Requirement Ordinance contained in Ch. 14 Zoning Ordinance, Article 8, and Ch. 10 Subdivision Ordinance, Article 10. (Staff Resource: A. Maldonado)

Mayor Kimble opened the public hearing at 7:52 pm regarding amendments to Tree Preservation State Requirement Ordinance contained in Ch. 14 Zoning Ordinance, Article 8, and Ch. 10 Subdivision Ordinance, Article 10. After no public comments, Mayor Kimble closed the public hearing at 7:52 pm.

3. Discuss, consider, and possible action on an Ordinance amending the Tree Preservation section in Chapter 14 of the Zoning Ordinance, Article 8, and Chapter 10 of the Subdivision Ordinance, Article 10. (Staff Resource: D. Maldonado)

Motion made by Councilmember Kidd to approve an Ordinance amending the Tree Preservation section in Chapter 14 of the Zoning Ordinance, Article 8, and Chapter 10 of the Subdivision Ordinance, Article 10. Seconded by Councilmember Waldrip.

Voting Yea: Mayor Kimble, Councilmember Waldrip, Councilmember Kidd, Councilmember Nichols, Councilmember Breitenstein, Councilmember Anderson

4. Discuss, consider, and possible action on the resolution approving the submission of the grant application for the Rifle-Resistant Body Armor Grant Program. (Staff Resource: D. Gelsthorpe)

Motion made by Councilmember Waldrip to approve a resolution approving the submission of the grant application. Seconded by Councilmember Nichols.

Voting Yea: Mayor Kimble, Councilmember Waldrip, Councilmember Kidd, Councilmember Nichols, Councilmember Breitenstein, Councilmember Anderson

5. Discuss, consider, and possible action on approving development agreements signed by property owners and authorizing the City Manager to sign all necessary documents. (Staff Resource: A Holloway)

Motion made by Councilmember Kidd to approve the development agreements. Seconded by Councilmember Breitenstein.

Voting Yea: Mayor Kimble, Councilmember Waldrip, Councilmember Kidd, Councilmember Nichols, Councilmember Breitenstein, Councilmember Anderson

I. STAFF REPORT-January 2023

1. Public Works
2. Municipal Court
3. Police Department
4. Parks Department
5. Animal Services
6. Development Services
7. City Secretary

J. EXECUTIVE SESSION

The City Council of the City of Joshua will recess into Executive Session (Closed Meeting) pursuant to the provisions of chapter 551, Subchapter D, Texas Government Code, to discuss the following:

1. Pursuant to Section 551.071 of the Texas Government Code to consult with the City Attorney relating to pending litigation, to wit: ZL & SYK, LLC, and Mountain Valley Country Club, Inc. vs. City of Joshua, Civil Action No. 3:22-cv-00182-E.

Mayor Kimble announced there would be no meeting on this item.

K. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551, the City Council will reconvene into regular session and consider action, if any, on matters discussed in executive session.

NA

L. FUTURE AGENDA ITEMS/REQUESTS BY COUNCIL MEMBERS TO BE ON THE NEXT AGENDA

Councilmembers shall not comment upon, deliberate, or discuss any item that is not on the agenda. Councilmembers shall not make routine inquiries about operations or project status on an item that is not posted. However, any Councilmember may state an issue and request to place the item on a future agenda.

Councilmember Anderson - Facade Grant, Utility Billing Update

Councilmember Nichols - Update on street repairs that the city council previously approved and Trailwood area that is very dangerous.

M. ADJOURNMENT

Mayor Kimble adjourned the meeting at 8:19 pm.