



**MINUTES
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
JANUARY 19, 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
Development Services Director Aaron Maldonado

ABSENT

Councilmember Robert Fleming

The Joshua City Council held a Work Session at 6:30 pm. A Regular Meeting was held immediately following the Work Session in the Council Chambers at the Joshua City Hall, located at 101 S. Main St., Joshua, Texas, on January 19, 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/84022200454?pwd=UFBXN3pqdjJoTWWhHQ0RWQjl4QkhKUT09>

Meeting ID: 840 2220 0454 Passcode: 743754 or dial 3462487799.

A member of the public who would like to submit a question on any item listed on this agenda may do so via the following options:

Online: An online speaker card is located on the City's website (cityofjoshuatx.us) on the Agenda/Minutes/Recordings page. Speaker cards received by 5:00 pm on or before the day of the meeting will be read during open session by the City Secretary.

By phone: Please call 817/558-7447 ext. 2003 by 5:00 pm on or before the day of the meeting and provide your name, address, and question. The City Secretary will read all questions in the order they are received.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Mayor Kimble announced a quorum and called the meeting to order at 6:33 pm.

B. PLEDGE OF ALLEGIANCE

1. United States of America
2. Texas Flag

Mayor Kimble led the Pledge of Allegiance.

C. INVOCATION

Mrs. Kim Kimble gave the invocation.

D. WORK SESSION

1. Review and discuss questions related to the budget report and financial statement for December 2022.
(Staff Resource: M. Peacock)

City Manager Peacock gave a description of the December 2022 budget and financial statement.

2. Discussion on the letter of intent from Southwestern Adventist University regarding exploring establishing a Dinosaur Museum in the City of Joshua.

Dr. Jared Wood, Professor at Southwestern Adventist University, stated that he lives in Mountain Valley, and his kids attend Joshua ISD. He said that he has an investment in Joshua. He stated that they have over 40,000 fossils at the university. In addition, he stated that with the current inventory, the proposed museum could be great with hands-on experience. Dr. Wood noted that this is a chance to reach people to get involved in science, and this place is prime to attract tourists.

3. Discussion on a request of amending Tree Preservation in section 10.10.8 of the Zoning Ordinance. (Staff Resource: A. Maldonado)

Development Services Director Maldonado stated that the Planning & Zoning Commission had made several recommendations regarding the Tree Preservation Ordinance.

Mr. Maldonado listed the following as suggested changes:

- Change the sections that refer to a protected tree trunk diameter of 18” to 12”.
- Clarification on section 8.15.3 Tree removal permit letter D&G on the 12” and 12’.
After much discussion, the commission suggested the following.
- Deleted the not protected tree list
- Clarification on Tree replacement- a sufficient number of trees shall be planted to equal in caliper the diameter of the trees removed?
- Under required application, add clarity on how to protect a protected tree with fencing.

City Secretary Holloway stated that this item would be placed on the February agenda for a public hearing and approval of the Ordinance.

4. Discussion on the potential of a bond election to be held in May 2023 for a municipal center.

City Manager Peacock gave an update on the municipal complex. Mr. Peacock stated that the plan is to bring the council an option to stay within a specific dollar amount in February. Mr. Peacock noted that currently, the price is under \$15,000,000. City Council directed staff to maintain areas for future growth. Council Breitenstein asked if the building will be able to handle the growth in 10 years. City Manager Peacock stated that it is designed for the next 25 years.

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.

Mayor Kimble made the following statements:

Christmas Party was great.

Next week the city is hosting a mayor's conference with the new county judge.

Councilmember Anderson made the following statement:

The JSCUD Board of Directors are currently in early voting and election day is the first Saturday in February.

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.

Fire Chief Griffith introduced the newest fire employees. Michael, Ray, Joey, Blake, and captain White.

G. CONSENT AGENDA

1. Discuss, consider, and possible action on the meeting minutes of December 15, 2022. (Staff Resource: A. Holloway)

Motion made by Councilmember Breitenstein to approve the meeting minutes of December 15, 2022.
Seconded by Councilmember Anderson.

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

H. REGULAR AGENDA

1. Discuss consider, and possible action on the request to purchase a brush truck in the amount of \$188,228 for the Fire Department. (Staff Resource: T. Griffith)

Fire Chief Griffith stated he passed out an additional paper before the meeting that he did not upload to help explain the total cost. He has requested a 50 percent reimbursement from EDC; they want to put a policy together and then will consider it. Peacock stated that it is not in the budget, but we have options to make the purchase.

2. Discuss, consider, and possible action on the Joint Election Agreement with Joshua Independent School District for the May 6, 2023, Election. (Staff Resource: A. Holloway)

Motion made by Councilmember Nichols to approve the Joint Election Agreement. Seconded by Councilmember Kidd.

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

Councilmember Breitenstein, Councilmember Anderson

3. Discuss, consider, and possible action on an Ordinance ordering a General Election to be held on Saturday, May 6, 2023, for the purpose of electing a Council Member Councilmember and a Council Member Councilmember for a Three (3) Year Term. (Staff Resource: A. Holloway)

Motion made by Councilmember Waldrip to approve an Ordinance ordering a General Election to be held on Saturday, May 6, 2023, for the purpose of electing a Council Member Councilmember and a Council Member Councilmember for a Three (3) Year Term. Seconded by Councilmember Anderson. Voting Yea: Mayor Kimble, Councilmember Waldrip, Councilmember Kidd, Councilmember Nichols, Councilmember Breitenstein, Councilmember Anderson

4. Discuss, consider, and possible action on an Ordinance ordering a Special Election to be held on Saturday, May 6, 2023, for the purpose of Voting “Yes” or “No” on Seven (7) Proposed City Charter Amendments. (Staff Resource: A. Holloway)

Mayor Kimble moved to approve the Ordinance ordering a Special Election on May 6, 2023, with the following change to proposition B:

To be considered full term, a council member must serve over 547 days in the elected position. The person must be out of office for one city general election cycle after serving 4 consecutive terms or after the resignation prior to the end of the elected term before becoming eligible to hold a councilmember position in an elected or appointed. No person shall serve more than 4 consecutive elected terms as mayor. Terms served as councilmembers shall not be counted as terms as mayor. To be considered full term, the mayor must serve over 547 days as an elected position and must be out of office for one city general election cycle after serving 4 consecutive terms or after resignation prior to the end of the elected term before becoming eligible for holding a position of councilmember elected or appointed or to run for mayor again.

Councilmember Breitenstein seconded the motion. After much discussion, Councilmember Breitenstein withdrew his motion to second. The item died.

Councilmember Anderson moved to approve an Ordinance ordering a Special Election to be held on Saturday, May 6, 2023, for the purpose of Voting “Yes” or “No” on Seven (7) Proposed City Charter Amendments as presented in the draft Ordinance. Seconded by Councilmember Kidd.

Voting Yea: Councilmember Waldrip, Councilmember Kidd, Councilmember Nichols, Councilmember Anderson

Voting Nay: Mayor Kimble, Councilmember Breitenstein

5. Discuss, consider, and possible action on development agreements and property owners replacing the agreements dated 2018 and authorizing the City Manager to sign all necessary documents. (Staff Resource: A. Holloway)

Motion made by Councilmember Kidd to approve the agreements presented. Seconded by Councilmember Anderson.

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

I. STAFF REPORT-December 2022

1. Police Department
2. Fire Department
3. Municipal Court
4. Utility Department

5. Parks Department
6. Public Works
7. Development Services
8. Animal Services
9. City Secretary's Office

J. EXECUTIVE SESSION

1. 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. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect or to deliberate the offer of a financial or other incentive to a business prospect.

Mayor Kimble announced that the City Council will recess into Executive Session at 8:34 pm.

K. RECONVENE INTO REGULAR SESSION

1. 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 the executive session.

Mayor Kimble reconvened the meeting into regular session at 8:44 pm. No action taken as a result of the executive session.

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.

The following items were requested to be placed on the February Agenda:

- Councilmember Kidd - Library Funding
- Councilmember Kidd - Traffic issues at Henderson and Cooper Valley
- Councilmember Nichols - City Lighting
- Councilmember Nichols- City Park Land
- Mayor Kimble - Update on the Golf Course

M. ADJOURNMENT

Mayor Kimble adjourned the meeting at 8:46 pm.

Scott Kimble, Mayor

Alice Holloway
City Secretary

Approved: February 16, 2023