



**MINUTES
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
MAY 18, 2023
6:30 PM**

PRESENT

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

STAFF

City Manager Mike Peacock
City Secretary Alice Holloway
City Attorney Terry Welch
Dev. Services Dir. Aaron Maldonado

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 May 18, 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:

Meeting ID: 870 1626 4910 Passcode: 561964

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 the 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 6:30 pm.

B. PLEDGE OF ALLEGIANCE

1. United States of America
2. Texas Flag

Councilmember Breitenstein led the Pledge of Allegiance

C. INVOCATION

The invocation was given by Pastor Chris Copeland, True Life Church.

D. WORK SESSION

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

City Manager Peacock presented the report. He stated that the revenue is currently fifty-eight percent and expenditure is sixty percent.

2. Discussion on bond elections.

City Manager Peacock gave a brief update regarding the recently failed bond proposition. City Manager Peacock stated that he believes the recent notices from the appraisal district and the lack of information from the City is what caused the bond to fail. In addition, he stated that since there was no organized opposition, he did not believe at the time that we needed to send out additional notices.

City Manager Peacock stated that he would like to put together a small committee to review and make recommendations on what the needs are for the city for a possible November Election.

The City Council gave the direction to move forward with the committee.

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 stated that Joshua United event went great. He stated that there was an estimate attendance between 750-1000.

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.

1. Recognition of Councilmember Robert Fleming for his service and dedication to the City of Joshua.

Mayor Kimble presented Councilmember Robert Fleming with a plaque for his service and dedication to the citizens of Joshua.

2. Presentation of Certificates of Election and administer the Oath of Office to the newly elected officials.

Mayor Kimble presented the Certificates of election and City Secretary Holloway administered the Oath of Office to Councilmember Place 2 Mike Kidd and Councilmember Place 5 Dakota Marshall.

3. Recognition of Terry Welch for his dedication and service to the City of Joshua.

Mayor Kimble and City Manager Peacock presented City Attorney Terry Welch with a plaque thanking him for his many years of service. In addition, a gift was presented to City Attorney Terry Welch and his wife.

G. CONSENT AGENDA

1. Discuss, consider, and possible action on meeting minutes of April 20, 2023, and May 11, 2023.
2. Discuss, consider, and possible action on development agreements and authorize the City Manager to sign all necessary documents.

Motion made by Councilmember Anderson to approve the Consent Agenda. Seconded by Councilmember Breitenstein.

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

H. REGULAR AGENDA

1. Public hearing on a request for a waiver to reduce two gas well setbacks by (1) 400 feet and (2) 275 feet upon a property located at 1280 Stadium Drive, Joshua, Johnson County, Texas, more particularly known as a tract of land in the McKinney & Williams Survey, Abstract No. 636, Tr 40 County of Johnson, Texas and being approximately 60.141 acres of land to allow for a residential subdivision known as Owl's Roost.

Mayor Kimble opened the public hearing at 6:57 pm regarding a request for a waiver to reduce two gas wells setbacks by (1) 400 feet and (2) 275 feet upon a property located at 1280 Stadium Drive.

Staff: Development Services Director Maldonado read the following statement:

The approximate 60.141-acre tract of land is in the process of a preliminary plat but is affected by a gas well located on the property and another on the property to the west of the proposed subdivision. This property is zoned R1– Single Family Residential District. Per the City Ordinance, a 600-foot setback distance from an existing gas well is required for any protected use. The applicant is requesting (1) a 400-foot waiver to reduce the setback to 200-feet and (2) a 275-foot waiver to reduce the setback to 325-feet to allow homes to be constructed on the 45 affected lots.

Owner- Mr. Courtney Coats, stated that he understands how the city wants to grow. In addition, he stated that the proposed development meets all the City regulations regarding lot sizes.

Fire Chief Griffith stated that the fire department has concerns related to the request for a waiver regarding gas well setback. Fire Chief Griffith stated that they can have issues such as noise, gases, dust, and possible future wells and he stated that there is a reason why 600 ft is in place.

Councilmember Kidd stated that the owner was aware of the gas wells prior to buying the property.

Councilmember Waldrip stated that he agrees with the Fire Chief on this matter.

James N. owner of property going west of gas wells. Spoke in favor of the waiver.

Mayor Kimble closed the public hearing at 7:13 pm.

2. Discuss, consider, and possible action on a request for a waiver to reduce two gas well setbacks by (1) 400 feet and (2) 275 feet upon a property located at 1280 Stadium Drive, Joshua, Johnson County, Texas, more particularly known as a tract of land in the McKinney & Williams Survey, Abstract No. 636, Tr 40 County of Johnson, Texas and being approximately 60.141 acres of land to allow for a residential subdivision known as Owl's Roost.

Councilmember Breitenstein stated that the city council years ago spent many hours reviewing, getting recommendations, and moving the requirement to 600 feet.

City Attorney Welch stated that cities have different requirements and normally the setback ranges between 200 and 1500.

Councilmember Breitenstein stated that there was a fire in Joshua Meadows years ago and that is what started the conversation of setback requirements. In addition, he stated that a gas well expert was present.

Councilmember Nichols stated that she was previously against it and still is.

Councilmember Waldrup stated that he agrees with the fire chief.

Councilmember Marshall stated that he would not live within 200 ft. of a gas well.

Motion made by Councilmember Breitenstein to deny the request of gas well setback. Seconded by Councilmember Kidd.

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

3. Public hearing on a request for a conditional use permit regarding approximately 2.0 acres of land in the WW Byers Survey, Abstract 29 Tr 20A, County of Johnson, Texas, located at 813 W. FM 917 to allow for the use of a dog grooming and boarding salon.

Mayor Kimble opened the public hearing at 7:25 pm.

Staff- Development Services Director Aaron Maldonado ready the following statement:

The structure that will be used for the business is an original farmhouse dated pre-1920 and sits Northwest of the primary residence. The building is approximately 800 sq ft. This property is zoned (A) Agricultural District. The conditional use permit is to allow for the use of a dog grooming and boarding salon. The purpose of the Conditional Use Permit is to allow for review of uses which would not be appropriate generally without certain restrictions throughout a zoning district, but which if controlled as to number, area, location, or relation to the neighborhood would promote the health, safety, and welfare of the community. Such uses include colleges and universities, institutions, community facilities, zoos, cemeteries, country clubs, show grounds, drive-in theaters and other land uses as specifically provided for in this ordinance. To provide for the proper handling and location of such conditional uses, provision is made for amending this ordinance to grant a permit for a conditional use in a specific location. This procedure for approval of a Conditional Use permit includes public hearings before the Planning and Zoning Commission and the City Council. Amending ordinance may provide for certain restrictions and standards for operation. The indication that it is possible to grant a Conditional Use Permit as noted elsewhere in this ordinance does not constitute a grant of privilege for such use, nor is there any obligation to approve a Conditional Use Permit unless it is the finding of the Planning and Zoning Commission and City Council that such a conditional use is compatible with adjacent property use and consistent with the character of the neighborhood.

Owner- Alexis and Brock Eggleston stated that they purchased the property for this type of business and after talking to City, there was some miscommunication, but everything has been worked out now. In addition, they stated that the property is a 3/4 acre, fully fenced.

Mayor Kimble closed the public hearing at 7:27 pm.

4. Discuss, consider, and possible action on approving a conditional use permit regarding approximately 2.0 acres of land in the WW Byers Survey, Abstract 29 Tr 20A, County of Johnson, Texas, located at 813 W. FM 917 to allow for the use of a dog grooming and boarding salon.

Councilmember Marshall asked if there will be boarding on site. Mr. Brock answered yes, but very limited.

Councilmember Anderson asked if there is enough parking. Mr. Brock answered yes.

Motion made by Councilmember Kidd to approve a Conditional Use Permit. Seconded by Councilmember Waldrip.

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

5. Discuss, consider, and possible action on an Ordinance amending existing Section 12.04.003(a), to include the following roads or streets on which the operation of commercial motor vehicles is prohibited: Trailwood Drive; Eddy Avenue; Santa Fe Street; Caddo Drive, and Littlebrook Road.

City Manager Peacock stated that the public works director has requested that additional streets be added to the ordinance.

Motion made by Councilmember Breitenstein to approve the proposed Ordinance. Seconded by Councilmember Kidd.

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

6. Discuss, consider and possible action on a resolution approving the purchase of a Fire Rescue Vehicle funded through Government Capitol and authorize the city manager to sign all necessary documents.

Fire Chief Griffith stated that this truck was not originally planned. He stated that it is difficult to get a vehicle, and the wait is 2 years for a new one.

City Manager Peacock stated that the vehicle will be financed thru government capital, 7 to 10 years, payments under \$50,000 annually.

Motion made by Councilmember Nichols to approve a resolution authorizing the purchase of a Fire Rescue Vehicle. Seconded by Councilmember Anderson.

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

7. Discuss, Consider and Possible Action on a resolution authorizing a project of the Joshua EDC Type B/Parks Board that includes renovation of the City Park. (Staff Resource: M. Peacock)

City Manager Peacock stated that the parks board met, and reviewed options presented. The list of items for the city park in the proposed project are:

list of items:

- Splash Pad Refurbish, new implements and shade structures.
- New Playground structures.
- Artificial grass surfacing.
- Shade structures.
- Basketball court resurfacing.
- Fencing.
- New benches, grills, tables.
- Addition of Disc Golf. A cable fence surrounding the park with gates. Security upgrades including cameras, Wi-Fi.

Motion made by Councilmember Kidd to approve a resolution authorizing a project of Joshua EDC Type B/Parks Board. Seconded by Councilmember Waldrip.

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

8. Discuss, consider, and possible action on a resolution accepting the 2023-2033 Master Parks Plan. (Staff Resource: M. Peacock)

City Manager Peacock presented the proposed 2022-23 Master Parks Plan.

Motion made by Councilmember Anderson to approve a resolution accepting the 2023-33 Master Parks Plan. Seconded by Councilmember Nichols.

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

9. Discuss, consider, and possible action on increasing the city homestead exemption.

City Manager Peacock stated that the City of Joshua's homestead exemption is currently \$5,000. In addition, he gave an update of the exemption was changed:

Exemption	Cost to City
\$6,000	\$60,000
\$7,500	\$72,500
\$10,000	\$145,000

In addition, City Manager Peacock stated that the Texas House passed SB 3 today and it looks like there is possibility to move forward. He also stated that he is concerned regarding how many citizens are protesting.

City Manager Peacock reminded everyone that the City will exceed the 3 cent no new revenue rate, meaning we will need to reduce the tax rate.

Mayor Kimble noted that everyone sees immediate relief with a homestead exemption.

Councilmember Anderson stated that the City should be able to absorb an additional \$145,000.

Motion made by Councilmember Anderson to table this item until the June meeting. Seconded by Councilmember Nichols.

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

10. Discuss, consider, and possible action on the appointment of a Mayor Pro-Tem for a one-year term.

Motion made by Councilmember Waldrip to appoint Mike Kidd as Mayor Pro Tem. Seconded by Councilmember Breitenstein.

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

11. Discuss, consider, and possible action on board appointment(s).

Motion made by Councilmember Kidd to appoint Johnny Waldrip to the Type A EDC Corporation. Seconded by Councilmember Marshall.

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

I. STAFF REPORT-APRIL 2023

1. Police Department Monthly Report April 2023
2. Fire Department
3. Municipal Court
4. Public Works Report
5. Animal Services
6. Development Services
7. City Secretary

J. 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.

City Manager Peacock-Professional Planner

K. ADJOURNMENT

Mayor Kimble adjourned the meeting at 8:18 pm.

Scott Kimble, Mayor

Alice Holloway, City Secretary

Approved: June 15, 2023