



**MINUTES
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
SEPTEMBER 21, 2023
6:30 PM**

The Joshua City Council will hold a Work Session at 6:30 p.m. 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 September 21, 2023. This meeting is subject to the open meeting laws of the State of Texas.

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

Join Zoom Meeting:

<https://us02web.zoom.us/j/84104443436?pwd=Y2hZNDAwUVBUemxGN21xUTRiMIJnQT09>

Meeting ID:841 0444 3436 Passcode: 511233 or dial 346-248-7799

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

B. PLEDGE OF ALLEGIANCE

1. United States of America
2. Texas Flag

Mayor Kimble led the Pledge to the Flags.

C. INVOCATION

Todd Tolson, Pastor of Courageous Church, led the invocation.

D. 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 announced he attended the Johnson County Pioneer Event and presented awards to our police and Fire Department.

E. WORK SESSION

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

City Manager Peacock gave a summary of the financial report. City Manager Peacock stated No major expenditures.

Mayor Kimble asked how the investments were going. City Manager Peacock stated it is going great.

2. Discuss and give directions on a proposed park dedication located in Joshua Meadows Phase 3C.

The following citizens made comments:

1. Bryan Bellamy, HOA President, stated he needs information on the history of the property, and what are their options on the land.

2. Chuck Mayfield stated that he understands that the property was recently dedicated to the city and now the city wants to give it to the HOA.

3. Jennifer Gibson stated that she was under the impression that the property was going to be gifted to the city. In addition, she stated that she has concerns regarding maintenance and drainage and would like to see this item tabled and give time for everyone to get all the facts.

Mayor Kimble announced that the city council will go into executive session at 6:39 pm for attorney consultation regarding this item.

Mayor Kimble announced that the city council reconvened in Regular Session at 6:55 pm.

City Manager Peacock stated the water detention required based on a 100-year storm would take up almost 90 percent of the 8-acre dedicated parkland. Using this property as a park for the city is not possible. The completed retention ponds will work as designed and should not have any flooding issues. Ownership should be discussed between Sandlin Homes and the HOA.

3. Discussion on refuse and recycling service survey results.

Asst. City Manager Bransom stated she worked with City Secretary Alice Holloway on creating a survey as instructed regarding refuse and recycling. In addition, she stated that most citizens requested to leave service as is.

Councilmember Anderson stated the survey clearly states if we stay with what we have there will be a price increase.

Councilmember Waldrip stated he does not want to go against 85 percent of citizens.

4. Discussion on the current Food Truck Ordinance.

City Manager Peacock stated that staff has reviewed the ordinance and requirements as requested.

The findings are:

No vacant lot would meet state law.

The current ordinance requires a conditional use permit.

We could change the process to have staff be the approval process.

We have 49 food establishments; they generate over \$31,000 sales tax per month.

Councilmember Anderson stated she is fine with changing the process.

Councilmember Marshall stated since we are building a food park, he is not in favor of allowing them all over town.

Councilmember Nichols stated she is fine with changing the process.

Councilmember Kidd asked how many days the permit would be good for and would the restrooms be for the public or workers. City Manager Peacock stated that section in the current ordinance would not be changed.

Councilmember Waldrip asked how do we collect sales tax? How much are permits, is it going to cover the time of the employees. City Manager Peacock stated research will have to be completed to find the answers.

City Attorney Welch stated he will update the ordinance and bring it back for council to review.

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. Proclamation recognizing September 17-23, 2023, as Constitution Week.

Mayor Kimble presented Betsey Ruffin with a proclamation recognizing September 17-23, 2023, as Constitution Week.

G. CONSENT AGENDA

1. Discuss, consider, and possible action on the meeting minutes of August 12, 2023, and August 17, 2023.

Motion made by Councilmember Nichols, Seconded by Councilmember Anderson.

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

2. Discuss, consider, and possible action on an addendum to Vertosoft, LLC Master Services Agreement.

Motion made by Councilmember Anderson, Seconded by Councilmember Marshall.

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

3. Discuss, consider, and possible action on development agreements.

Motion made by Councilmember Kidd, Seconded by Councilmember Waldrip.

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

4. Discuss, consider, and possible action on a resolution amending the Capitalization Policy.

Motion made by Councilmember Waldrip, Seconded by Councilmember Kidd.

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

5. Discuss, consider, and possible action on an ordinance amending the City's current subdivision ordinance relative to adequate public facilities, additional and revised definitions, clarifying plat processing applications, revising both preliminary and final plat submittal requirements, plan views for water distribution and wastewater collection systems, and the approval of water and wastewater improvements by JCSUD and BWSC.

Motion made by Councilmember Kidd, Seconded by Councilmember Nichols.

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

H. REGULAR AGENDA

1. Public hearing on the proposed budget for the fiscal year beginning October 1, 2023, and ending September 30, 2023. (Staff Resource: M. Peacock)

Mayor Kimble opened the public hearing regarding the FY 2023 Budget at 8:07 pm.

No public comments made.

Mayor Kimble closed the public hearing at 8:18 pm.

2. Discuss, consider, and possible action on an Ordinance approving the annual budget for fiscal year beginning October 1, 2023, and ending September 30, 2024. (Staff Resource: M. Peacock)

Councilmember Marshall moved to approve an ordinance to adopt the City's budget for FY 2023 as presented. Councilmember Anderson seconded the motion.

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

Councilmember Kidd moved to ratify a budget that will require raising more revenue from property taxes than the previous year. Councilmember Waldrip seconded the motion.

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

3. Public hearing on a proposal to adopt the Ad Valorem Property Tax Rate for Tax Year 2023. (Staff Resource: M. Peacock)

Mayor Kimble opened the public hearing at 8:23 pm regarding a proposal to adopt the Ad Valorem Property Tax Rate for Tax Year 2023.

No public comments made.

Mayor Kimble closed the public hearing at 8:25 pm.

4. Discuss, consider, and possible action on an ordinance adopting the City of Joshua 2023 Property Tax Rate. (Staff Resource: M. Peacock)

Councilmember Anderson moved that the property tax rate be increased by the adoption of a tax rate of \$0.651229 per \$100 valuation, which is effectively a 6.59 percent increase in the tax rate.

Councilmember Marshall seconded the motion.

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

5. Public hearing on a request to amend subsection C, “Public Hearing and Notice,” of section 3.1.4, “Amendments, Changes and Procedures,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the code of ordinances of the City of Joshua, Texas, by providing for notices relative to a change in a zoning regulation that could result in a nonconforming use consistent with Senate Bill 929; Amending section 4.1.11, “Amortization,” of Article 4, “Nonconformities,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the code of Ordinances of the city of Joshua, Texas, providing for Amortization procedures consistent with Senate Bill 929; Providing for a penalty; Providing a severability clause; Providing for Publication; and providing an effective date. (Staff Resource: A. Maldonado)

Mayor Kimble opened the public hearing at 8:28 pm regarding a request to amend subsection C, “Public Hearing and Notice,” of section 3.1.4, “Amendments, Changes and Procedures,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the code of ordinances of the City of Joshua, Texas, by providing for notices relative to a change in a zoning regulation that could result in a nonconforming use consistent with Senate Bill 929; Amending section 4.1.11, “Amortization,” of Article 4, “Nonconformities,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the code of Ordinances of the city of Joshua, Texas, providing for Amortization procedures consistent with Senate Bill 929.

No public comments made.

Mayor Kimble closed the public hearing at 8:29 pm.

6. Discuss, consider, and possible action on approving an ordinance amending subsection C, “Public Hearing and Notice,” of section 3.1.4, “Amendments, Changes and Procedures,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the code of ordinances of the City of Joshua, Texas, by providing for notices relative to a change in a zoning regulation that could result in a nonconforming use consistent with Senate Bill 929; Amending section 4.1.11, “Amortization,” of Article 4, “Nonconformities,” of the City’s Zoning Ordinance, found in Chapter 14, “Zoning,” of the code of Ordinances of the city of Joshua, Texas, providing for Amortization procedures consistent with Senate Bill 929; Providing for a penalty; Providing a severability clause; Providing for Publication; and providing an effective date. (Staff Resource: A. Maldonado)

Motion made by Councilmember Marshall, Seconded by Councilmember Anderson.

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

7. Discuss, consider, and possible action on a resolution authorizing the execution, on behalf of the City, of a Financing/Use Agreement between the City and the Joshua Type B Economic Development Corporation; resolving other matters incident and related thereto; and providing an effective date. (Staff Resource: A. Holloway)

Motion made by Councilmember Anderson to approve a resolution authorizing the execution, on behalf of the City, a Financing/Use Agreement. Seconded by Councilmember Marshall.

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

8. Discuss, consider, and possible action on an ordinance authorizing the issuance of “City of Joshua, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2023”; providing for the payment of said Certificates by the levy of an ad valorem tax upon all taxable property within the City; authorizing the execution of any necessary engagement agreement with the City’s financial advisors and/or bond counsel; and resolving other matters incident and related to the issuance, payment, security, sale, and delivery of said Certificates. (Staff Resource: A. Holloway)

Motion made by Councilmember Kidd to approve with option "A". Seconded by Councilmember Waldrip.

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

9. Discuss, consider, and possible action on amendment to the Radio Communications System Agreement. (Staff Resource: D. Gelsthorpe)

Motion made by Councilmember Waldrip, Seconded by Councilmember Nichols.

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

10. This agreement will provide for the housing of any Class-C misdemeanor violators who are placed under arrest, in lieu of citation. The Sheriff's Office is already required to provide housing for higher violation prisoners. It is expected that this agreement will rarely if ever be utilized.

Motion made by Councilmember Nichols, Seconded by Councilmember Kidd.

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

11. Discuss, consider, and possible action on the renewal of the Johnson County ESD Contract for Fire and Emergency Services. (Staff Resource: A. Holloway)

Motion made by Councilmember Anderson, Seconded by Councilmember Marshall.

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

12. Discuss, consider, and possible action on a Proposal from Brycer, LLC. for use of their Compliance Engine system. (Staff Resource: T. Griffith)

Motion made by Councilmember Waldrip, Seconded by Councilmember Nichols.

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

13. Discuss, consider, and possible action on Board Appointments.

Animal Control

Position 4

Vacant

Jeffrey Weldon

Motion made by Councilmember Nichols to appoint Jeffrey Weldon. Seconded by Councilmember Nichols.

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

Library

Seat 2

Vacant

Angela Nichols

Seat 3

Sarah Breedlove

Sarah Breedlove

Motion made by Councilmember Kidd to appoint names as presented. Seconded by Councilmember Waldrip.

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

Type A EDC

Place 1

David Morgan

David Morgan

Place 3

Johnny Waldrip

Johnny Waldrip

Place 5

Esley Henderson

Esley Henderson

Place 7

Aleshia Heyes

Roger Farley

Alt 1

Vacant

Carl Keating

Alt 2

Vacant

Glen Walden

Motion made by Councilmember Kidd to appoint names as presented. Seconded by Councilmember Anderson.

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

Type B EDC

Place 1

Glen Walden

Glen Walden

Place 3

Bill Funderbulk

Bill Funderbulk

Place 5

Kim Carter

Kim Carter

Place 7

Courtney Hewett

Brittany Lawson

Alt 1

Vacant

Sarah Watts

Alt 2

Vacant

Carl Keating / Shelly Anderson

Motion made by Councilmember Waldrip to appoint names as presented. Seconded by Councilmember Anderson.

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

Heritage Preservation Committee

Place 3

Kris Maddox

Kris Maddox

Place 5

Vacant

Jeffrey Weldon

Motion made by Councilmember Nichols to appoint names as presented. Seconded by Councilmember Waldrip.

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

Planning & Zoning

Seat 3

Jerry Moore
Seat 4
Richard Connally
Seat 5
Brent Gibson
Alt 1
Kathy Sales

Jerry Moore
Michael Frazier
Brent Gibson
Kathy Sales

Motion made by Councilmember Waldrip to appoint names as presented. Seconded by Councilmember Anderson.
Voting Yea: Mayor Kimble, Councilmember Waldrip, Councilmember Kidd, Councilmember Nichols, Councilmember Marshall, Councilmember Anderson

Zoning Board of Adjustment

Place 1

Jerry Moore

Jerry Moore

Place 3

Glen Walden

Glen Walden

Place 5

Jeremy Morris

Jeremy Morris

Alt 1

Vacant

John Mauldin

Alt 2

Vacant

Motion made by Councilmember Anderson to appoint names as presented. Seconded by Councilmember Kidd.

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

I. STAFF REPORT

1. Police Department
2. Fire Department
3. Municipal Court
4. Parks and Recreation
5. Public Works
6. Development Services
7. Animal Services
8. 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.
2. Pursuant to Section 551.072 of the Texas Government Code: to discuss or deliberate the purchase, exchange, lease, or value of real property.

Mayor Kimble announced the city council will recess into Executive Session at 8:37 pm.

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.

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 executive session.

Mayor Kimble announced the city council reconvened into Regular Session at 8:48 pm.

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.

Solicitor Permits
Update on fire truck.

M. ADJOURNMENT

Mayor Kimble adjourned the meeting at 8:51 pm.