



**MINUTES
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
JULY 20, 2023
6:30 PM**

PRESENT

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

STAFF

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

ABSENT

Councilmember Merle Breitenstein
Councilmember Dakota Marshall

The Joshua City Council will hold 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 July 20, 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/87058214245?pwd=VkQ2UjZVbjlIYXY1eWc4V3JvczNIQT09>
Meeting ID: 87058214245 Passcode: 107764

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 6:32 pm

B. PLEDGE OF ALLEGIANCE

1. United States of America
2. Texas Flag

Mayor Kimble led the Pledge of Allegiance.

C. INVOCATION

Pastor Terry Darnall gave the invocation.

D. WORK SESSION

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

City Manager Peacock stated that most of the items are routine other than a few areas being moved around as requested by the auditor.

2. Discussion on the recommendation from the Bond Committee. (Staff Resource: M. Peacock)

City Manager Peacock stated that the bond committee met several times and toured city buildings.

The committee made the following recommendation:

- Hold a November Election with the following propositions.
 - Issuance of police department shared complex
 - Street Maintenance for \$10,000,000

3. Discussion on the current Food Truck Ordinance. (Staff Resource: M. Peacock)

City Manager Peacock presented the current ordinance and stated that he met with staff, and there were several concerns with making changes. In addition, he stated that there are several regulations that need to be met.

There was much discussion. Some of the topics were:

- Limit of hours/days on a vacant lot
- Future food truck park
- The affect to local restaurants
- State regulations
- Parking

The City Council gave direction to staff to bring a draft Ordinance back next month for City Council to review.

4. Discuss and receive updates regarding the Pathway Infrastructure Project. (Staff Resource: M. Peacock)

City Manager Peacock gave a brief update regarding the Pathway Infrastructure Project. City Manager Peacock stated that Pathway believes they will be able to activate citizens by the end of August.

5. Discussion and receive a update on the refuse and recycling service. (Staff Resource: A. Bransom)

Asst. City Manager Bransom gave an update on the refuse and recycling service. She stated that she is proposing to go to large totes issued by the waste company and go to once-a-week pickup.

Abel Moreno, district supervisor for Waste Connections stated that the price would stay the same for residents and a 30 percent increase for commercial customers.

In addition, the proposal included the following:

1. Remove the bulk pickup from the current contract
2. Adding on of the following options to the contract regarding bulk pick:

- Everyone pays an additional \$3.00 per month, or
- If a customer has a bulk pickup, they will contact waste connections and request an assessment. After waste connections review the amount, the citizen would be given the fee amount, and the citizen would have to pay for the pickup.

3. A extra tote could be requested by a citizen, but a monthly fee would be added.

The City Council directed the City Secretary to prepare a clear and detailed survey and send it to the citizens for their input regarding proposed changes.

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.

NA

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. Ms. Jayme Jones. Ms. Jones stated that she visits each city in Johnson County. She passed out the schedule to the Pioneers and Old Settlers Reunion. She invited everyone to attend and participate.

G. CONSENT AGENDA

1. Discuss, consider, and possible action on meeting minutes of June 15, 2023. (Staff Resource: A. Holloway)
2. Discuss, consider, and possible action on development agreements and authorize the City Manager to sign all necessary documents. (Staff Resource: A. Holloway)
3. Discuss, consider, and possible action on a resolution amending the City of Joshua Investment Policy by adding the Finance Director as a designated Investment Officer. (Staff Resource: M. Freelen)

Motion made by Councilmember Anderson to approve the Consent Agenda. Seconded by Councilmember Waldrip.
Voting Yea: Mayor Kimble, Councilmember Waldrip, Councilmember Kidd, Councilmember Nichols, Councilmember Anderson

H. REGULAR AGENDA

1. Public hearing on a request to amend section 5.2 Permitted Use Table, found in Ch. 14 Zoning Ordinance, by repealing the Land Use Type “Community or Social Buildings” contained in the “Institutional/Governmental” uses a portion of the permitted use table and replacing it with Land Use Type “Assembly Hall (Private) and Event Centers.” (Staff Resource: A. Maldonado)

Staff Presentation

Owner's Presentation

Those in Favor

Those Against

Owner's Rebuttal

Mayor Kimble opened the public hearing at 7:44 pm.

Development Services Director Maldonado read the following statement:

The Zoning Ordinance has a definition of Assembly Hall (Private) and Event Centers as Assembly Hall and Event Centers. The permitted use table has a similar use of Community or Social Buildings listed in the table that should be replaced with Assembly Halls (Private) and Event Centers. There is no definition for Community or Social Buildings listed in the Zoning Ordinance. The proposed Ordinance is basic maintenance to the Zoning Ordinance.

Mayor Kimble closed the public hearing at 7: 46 pm.

2. Discuss, consider, and possible action on approving an Ordinance amending section 5.2 Permitted Use Table, found in Ch. 14 Zoning Ordinance, by repealing the Land Use Type "Community or Social Buildings" contained in the "Institutional/Governmental" uses a portion of the permitted use table and replacing it with Land Use Type "Assembly Hall (Private) and Event Centers." (Staff Resource: A. Maldonado)

Motion made by Councilmember Kidd to approve an Ordinance amending section 5.2 Permitted Use Table, found in Ch. 14 Zoning Ordinance, by repealing the Land Use Type "Community or Social Buildings" contained in the "Institutional/Governmental" uses a portion of the permitted use table and replacing it with Land Use Type "Assembly Hall (Private) and Event Centers.". Seconded by Councilmember Anderson.

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

3. Discuss, consider, and possible action on an Ordinance approving the amendment to section 3.07.007, "Basis for establishing the areas of special flood hazard," of articles 3.07, "Flood damage prevention," of Chapter 3, "Building Regulations," of the Code of Ordinances of the City of Joshua. (Staff Resource: A. Maldonado)

Motion made by Councilmember Nichols to approve an Ordinance amending section 3.07.007, "Basis for establishing the areas of special flood hazard," of articles 3.07, "Flood damage prevention," of Chapter 3, "Building Regulations," of the Code of Ordinances of the City of Joshua. Seconded by Councilmember Kidd.

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

4. Discuss, consider, and possible action on a resolution authorizing and approving the publication of a Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in the Securities and Exchange Commission Rule 15c2-12; and providing an effective date. (Staff Resource: M. Peacock)

Motion made by Councilmember Anderson to approve a resolution as presented with the amount of \$1,265,000. Seconded by Councilmember Waldrup.

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

5. Discuss, consider, and possible action on the Interlocal Cooperation Agreement with Johnson County for the housing of City of Joshua Class "C" Misdemeanor Offenses in the Johnson County Jail. (Staff Resource: D. Gelsthorpe)

Motion made by Councilmember Waldrip to approve the Interlocal Cooperation Agreement with Johnson County for the housing of City of Joshua Class "C" Misdemeanor Offenses in the Johnson County Jail. Seconded by Councilmember Anderson.

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

6. Discuss, consider, and possible action on a Master Services Agreement between the City of Joshua and VERTOSOFT, LLC to provide CAD/RMS services. (Staff Resource: D. Gelsthorpe)

Motion made by Councilmember Waldrip to approve a Master Services Agreement between the City of Joshua and VERTOSOFT, LLC to provide CAD/RMS services. Seconded by Councilmember Anderson.

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

7. Discuss, consider, and possible action on participating in the Texas Short-Term Asset Reserve Program (TexSTAR). (Staff Resource: M. Freelen)

Motion made by Councilmember Anderson to participate in the Texas Short-Term Asset Reserve Program (TexSTAR). Seconded by Councilmember Nichols.

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

8. Discuss, consider, and possible action on approving revisions to the Volunteer Firefighters Nominal Fee Distribution Policy. (Staff Resource: B. Grounds)

Motion made by Councilmember Waldrip to approve revisions to the Volunteer Firefighters Nominal Fee Distribution Policy. Seconded by Councilmember Anderson.

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

9. Discuss, consider, and possible action on approving an agreement between the City of Joshua and Johnson County for election services and authorizing the city manager to sign all necessary documents. (Staff Resource: A. Holloway)

Motion made by Councilmember Waldrip to approve an agreement between the City of Joshua and Johnson County for election services and having a independent early voting location inside city limits. Seconded by Councilmember Anderson.

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

10. Discuss, consider, and possible action on board appointments.

Motion made by Councilmember Nichols to appoint Kim Henderson to the Type B EDC/Parks Board. Seconded by Councilmember Kidd.

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

I. STAFF REPORT-JUNE 2023

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

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

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. In accordance with the Texas Government Code, Section 551.076, to deliberate regarding security audits.
2. In accordance with the Texas Government Code, Section 551.071 (Consultation with City Attorney), to consult with the City Attorney and to deliberate newly filed federal court litigation, *Zeng v. City of Joshua, Texas, et al.*, Civil Action No. 3:23-cv-1570-D, pending in the United States District Court for the Northern District of Texas, Dallas Division, and the enforcement of City public health, safety and welfare ordinances relative thereto, and all matters incident and related thereto.

Mayor Kimble announced the City Council will convene into Executive Session at 8:28 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.

Mayor Kimble reconvened the meeting into a regular session at 10:28 pm.

No action was taken.

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.

NA

M. ADJOURNMENT

Mayor Kimble adjourned the meeting at 10:28 pm.

Scott Kimble, Mayor

Alice Holloway, City Secretary

Approved: July 20, 2023