



**MINUTES
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
DECEMBER 15, 2022
6:30 PM**

PRESENT

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

STAFF

City Manager Mike Peacock
City Secretary Alice Holloway
Asst. City Manager Amber Bransom
City Attorney Terry Welch
Development Services Director 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 December 15, 2022. 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/85363947766?pwd=ZkFLUS9xS2NpZkUzTFBNb3NkUk5LQT09>
Meeting ID: 85363947766 Passcode:893673 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 6:30 pm.

B. PLEDGE OF ALLEGIANCE

1. United States of America
2. Texas Flag

Councilmember Fleming led the Pledge of Allegiance.

C. INVOCATION

Invocation was giving by Mayor Kimble.

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 gave an update on the Christmas on Main Street Event. He stated that there was an excellent turnout. Councilmember Kidd stated it was great to see the city come together.

Councilmember Nichols and Councilmember Breitenstein stated that staff did an amazing job with the Christmas tree and decorations.

E. 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.

NA

F. WORK SESSION

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

City Manager Peacock presented the financial report. Mr. Peacock explained some of the overages.

2. Discuss and receive update regarding the Joshua Area Chamber by Mary Merino.

Mary Merino with the chamber gave an update regarding the status of the chamber. Ms. Merino went over the Christmas event, she stated that the IRS is paid in full, and she stated that a bookkeeper has been hired to process payroll and other matters.

G. CONSENT AGENDA

1. Discuss, consider, and possible action on meeting minutes of November 17, 2022.

Motion made by Councilmember Kidd to approve the meeting minutes. Seconded by Councilmember Nichols.

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

H. REGULAR AGENDA

1. Public hearing to discuss 2023/2024 Texas Community Development Block Grant Program (TxCDBG) application(s) to the Texas Department of Agriculture.

Mayor Kimble opened the public hearing at 6:49 pm.

Asst. City Manager Bransom gave a brief description of the application process. After no comments made from the public, Mayor Kimble closed the meeting at 6:50 pm.

2. Discuss, consider, and possible action on an Ordinance repealing existing Section 12.04.002, "Penalty," and Section 12.04.003, "Use Required; Exceptions," of Article 12.04, "Truck Routes," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances replaced with a new Section 12.04.002, "Truck Routes, and a new Section 12.04.003, "Unlawful Acts; Exemptions. (Staff Resource: A. Bransom)

Motion made by Councilmember Anderson to approve an Ordinance repealing existing Section 12.04.002, "Penalty," and Section 12.04.003, "Use Required; Exceptions," of Article 12.04, "Truck Routes," of Chapter 12, "Traffic and Vehicles," of the Code of Ordinances replaced with a new Section 12.04.002, "Truck Routes, and a new Section 12.04.003, "Unlawful Acts; Exemptions. Seconded by Councilmember Breitenstein.

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

3. Discuss, consider, and possible action on an Ordinance repealing existing Article 13.02, "Solid Waste," of Chapter 13, "Utilities," of the Code of Ordinances and replace it with a new Article A13.02, "Solid Waste". (Staff Resource: A. Bransom)

Motion made by Councilmember Nichols to approve an Ordinance repealing existing Article 13.02, "Solid Waste," of Chapter 13, "Utilities," of the Code of Ordinances and replace it with a new Article A13.02, "Solid Waste". Seconded by Councilmember Waldrip.

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

4. Discuss, consider, and possible action on the amendment of the Solid Waste Contract regarding billing procedures. (Staff Resource: A. Bransom)

Motion made by Councilmember Kidd to approve the amendment of the Solid Waste Contract regarding billing procedures. Seconded by Councilmember Anderson.

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

5. Discuss, consider, and possible action on approving a Site Plan regarding 0.278 acre of land known as Lots 5, 6, 7, and Part of 8, Block 10, Caddo Peak Addition, W.W. Byers Survey, Abstract No. 29, County of Johnson, Texas, locally known as 205 N. Main, to allow for the Commercial Use of a business office. (Staff Resource: A. Maldonado)

Motion made by Councilmember Nichols to approve a Site Plan regarding 0.278 acre of land known as Lots 5, 6, 7, and Part of 8, Block 10, Caddo Peak Addition, W.W. Byers Survey, Abstract No. 29, County of Johnson, Texas, locally known as 205 N. Main, to allow for the Commercial Use of a business office. Seconded by Councilmember Anderson.

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

6. Discuss, Consider and possible action on the proposed Freese & Nichols Agreement for Engineering Services. (Staff Resource: M. Peacock)

Councilmember Waldrip moved to extent the agreement with Freese & Nichols. Seconded by Councilmember Breitenstein.

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

7. Discuss, consider, and possible action on approval of the contract between Government Capital Corporation and the City of Joshua for Public Works equipment. (Staff Resource: M. Peacock)

Councilmember Kidd moved to approve the contract and authorize the mayor to sign the resolution. Councilmember Waldrip seconded the motion.

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

8. Discuss, consider, and possible action of funding repairs on the Early Outdoor Warning System.

Motion made by Councilmember Nichols to approve the funding to make repairs to the Early Outdoor Warning. Seconded by Councilmember Kidd.

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

9. Discuss, consider, and possible action on the recommendation of the Charter Review Commission.

Mayor Kimble stated that he would like to have a vote on each proposed item.

- 1) Fails to attend three (3) consecutive regular meetings of the City Council without **being excused by** prior consent of the City Council, ~~unless this absence is caused by illness or by the illness of a family member.~~ **The City Council shall be the final judge in matters involving forfeiture of office by a Council Member or the Mayor.**

Councilmember Anderson moved to approve the recommendation by the Charter Review Committee regarding Section 3.06 as presented. Councilmember Kidd seconded the motion. Voting Yea: Mayor Kimble, Councilmember Waldrip, Councilmember Kidd, Councilmember Nichols, Councilmember Breitenstein, Councilmember Fleming, Councilmember Anderson

- 2) No person shall serve **as Mayor or Councilmember** for more than four (4) consecutive **elected** terms. **For purposes of this section and computing the limitations on terms,**
(1) any Mayor or Councilmember who vacates, for any reason, his or her position before the end of the term for which he or she was elected, shall be considered to have completed that term; and
(2) an appointment or election to fill any unexpired term shall be computed as follows:
(a) if fifty percent (50%) or more of the term is remaining, it shall be included in the computation of term limits; or
(b) if less than fifty percent (50%) of the term is remaining, it shall not be included in the computation of term limits.
(3) The date a vacancy occurs is determined in accordance with Chapter 201 of the Texas Election Code, as amended.
(4) Any member of the City Council who has served four (4) consecutive elected terms shall not be eligible to run for or be appointed to a position on the City Council until the next general election subsequent to the expiration of his or her final term on the City Council.

Councilmember Nichols moved to approve the recommendation of the Charter Review Commission regarding Section 4.01 as presented. Councilmember Waldrip seconded the motion.

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

- 3) A vacancy on the City Council for an office with a three-year term must be filled by special election in accordance with the requirements of the Texas Constitution-; however, in the event a vacancy occurs on the City Council for an unexpired term of twelve (12) months or less, the City Council may call a special election to fill the vacancy, or by majority vote of the City Council, appoint a replacement to fill the vacancy.

Councilmember Anderson moved to approve the recommendation of the Charter Review Commission regarding Section 4.10 as presented. Councilmember Nichols seconded the motion.

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

- 4) To require the franchisee to restore, at franchisee's expense, all public or private property to a condition as good as or better than before disturbed by the franchisee for construction, repair or removal. ~~No asphalt or concrete street or thoroughfare shall be cut without the City Manager or his designee's written approval.~~

Councilmember Waldrip moved to approve the Charter Review Commission regarding Section 9.05 as presented. Councilmember Anderson seconded the motion.

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

- 5) Pursuant to Texas state law regarding nepotism, no person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any Councilmember or the City Manager shall be employed by or contracted with for the City. This shall not apply to the following:
 - A. Any person employed by the City prior to the person related in the above degree filing to run for elective office or being nominated for an appointment, or
 - B. Any person who is a seasonal employee or intern of the City.

Councilmember Fleming moved to approve The Charter Review Commission recommendation regarding Section 11.06 as presented. Councilmember Breitenstein seconded the motion.

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

- 6) The City Council shall, by resolution, designate one or more local newspaper(s) of general circulation in the City as the official newspaper(s) for publication of official business. All ordinances, notices, and other matters that are required to be published officially by this Charter, the ordinance of the City, or the laws of the State of Texas shall be publicized once in said medium.

Councilmember Fleming moved to approve the Charter Review Commission recommendation regarding Section 11.12 as presented. Councilmember Breitenstein seconded the motion.

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

- 7) Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure, revise references to repealed or obsolete provisions of state law and conform notice and publication requirements to state law?

Councilmember Kidd moved to approve the recommendation regarding the General Bond Proposition as presented. Councilmember Breitenstein seconded the motion.

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

I. STAFF REPORT - November 2022

1. Police Department Monthly Report
2. Fire Department Monthly Report for November 2022
3. Municipal Court
4. Utility Department
5. Development Services
6. Parks Department
7. Public Works
8. City Secretary's Office

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.

NA

K. ADJOURNMENT

Mayor Kimble adjourned the meeting at 8:09 pm.

Scott Kimble, Mayor

Alice Holloway
City Secretary

Approved: January 19, 2023