



**MINUTES  
CITY COUNCIL REGULAR MEETING  
COUNCIL CHAMBERS  
NOVEMBER 17, 2022  
6:30 pm**

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 November 17, 2022. This meeting is subject to the open meeting laws of the State of Texas.

**PRESENT**

Mayor Scott Kimble  
Councilmember Mike Kidd  
Councilmember Merle Breitenstein  
Councilmember Angela Nichols

**STAFF**

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

**ABSENT**

Councilmember Robert Fleming  
Councilmember Shelly Anderson  
Councilmember Johnny Waldrip

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

**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](http://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.

**Join Zoom Meeting:**

<https://us02web.zoom.us/j/89684325292?pwd=NkFLK1hQOUxZZTJDWHkvTmNFeTJoUT09>

Meeting ID: 89684325292 Passcode: 600660

**A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT**

Mayor Kimble announced a quorum and called the meeting to order at 6:37 pm.

NA

**B. PLEDGE OF ALLEGIANCE**

1. United States of America

2. Texas Flag

Councilmember Nichols led the Pledge of Allegiance.

**C. INVOCATION**

Invocation led by Pastor Terry Darnell.

**D. WORK SESSION**

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

City Manager Peacock presented the October 2022 budget report and financial statement.

2. Discussion on draft revisions of the Tree Preservation Ordinance. (Staff Resource: M. Peacock)

City Manager Peacock explained the draft revisions regarding the Tree Preservation Ordinance. Mr. Peacock noted that the City Engineer prepared the recommendations presented.

Councilmember Kidd recommended that both protected and non-protected trees be listed.

City Attorney Welch stated that the Planning & Zoning Commission and City Council must hold a public hearing before changes may be made.

City Council directed staff to place this item on the next Planning & Zoning Agenda for their recommendation and consideration.

3. Update on broadband connectivity to unserved and underserved areas within the City of Joshua. (Staff Resource: M. Peacock)

Assistant City Manager Bransom stated that there were no updates at the time.

**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.*

No discussion on this item.

**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.*

NA

**G. CONSENT AGENDA**

1. Discuss, consider, and possible action on the meeting minutes of October 20, 2022. (Staff Resource: A. Holloway)

Motion made by Councilmember Kidd to approve the meeting minutes of October 20, 2022. Seconded by Councilmember Nichols.

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

## **H. REGULAR AGENDA**

1. Public hearing on a request for a zoning change regarding approximately 8.995 acres of land in the George Casseland Survey, Abstract No. 173, County of Johnson, Texas, located at 6001 CR 1023, to change from (A) Agricultural District to the (R1) Single Family Residential District to allow for the construction of two residential homes. (Staff Resource: A. Maldonado)

- Staff Presentation
- Owner's Presentation
- Those in Favor
- Those Against
- Owner's Rebuttal

Mayor Kimble opened the public hearing at 6:54 pm on a request for a zoning change regarding approximately 8.995 acres of land in the George Casseland Survey, Abstract No. 173, County of Johnson, Texas, located at 6001 CR 1023, to change from (A) Agricultural District to the (R1) Single Family Residential District to allow for the construction of two residential homes.

Development Services Director Maldonado read the following statement:

The subject property is 8.995 acres and will be subdividing and creating two additional lots under the 2-acre minimum for Agricultural zoning; therefore, a zoning change to single-family residential district is needed. This property is zoned (A) Agricultural District. The proposed zoning change will allow for the construction of residential homes. This development will be required for the final plat; the City has agreed that these matters may be part of the platting review process.

The public made no comments. Mayor Kimble closed the public hearing at 6:56 pm.

2. Discuss, consider, and possible action on a request for a zoning change regarding approximately 8.995 acres of land in the George Casseland Survey, Abstract No. 173, County of Johnson, Texas, located at 6001 CR 1023, to change from (A) Agricultural District to the (R1) Single Family Residential District to allow for the construction of two residential homes. (Staff Resource: A. Maldonado)

Motion made by Councilmember Nichols to approve an Ordinance approving a request for a zoning change regarding approximately 8.995 acres of land in the George Casseland Survey, Abstract No. 173, County of Johnson, Texas, located at 6001 CR 1023, to change from (A) Agricultural District to the (R1) Single Family Residential District to allow for the construction of two residential homes.

Seconded by Councilmember Breitenstein.

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

3. Public hearing on considering an amendment to the Zoning Ordinance by amending provisions related to the membership of the Heritage Preservation Committee. (Staff Resource: A. Holloway)

Mayor Kimble opened the public hearing at 6:57 pm.

City Secretary Holloway stated that during the board appointments in September, staff was directed to bring back an Ordinance changing the requirements to serve on the Heritage Preservation Committee. Ms. Holloway stated that the Planning & Zoning held a public hearing on November 7, 2022, and recommended approving as presented.

No public comments were made. Mayor Kimble closed the public hearing at 6:58 pm.

4. Discuss, consider, and possible action on an Ordinance amending the requirements of the membership of the Heritage Preservation Committee.

Motion made by Councilmember Kidd to approve an Ordinance amending the requirements of the membership of the Heritage Preservation Committee. Seconded by Councilmember Breitenstein.

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

5. Discuss, consider, and possible action on a development agreement between the City of Joshua and property owner of parcel located on Cr 705 & authorize the city manager to execute all necessary documents. (Staff Resources: A. Holloway)

Motion made by Councilmember Breitenstein to approve a development agreement between the City of Joshua and property owner of parcel located on Cr 705 & authorize the city manager to execute all necessary documents. Seconded by Councilmember Kidd.

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

6. Discuss, consider, and possible action on an Ordinance disannexing tracts of land described in Exhibit "A," attached hereto, from the city limits of the City of Joshua, Texas, pursuant to Section 43.142 of the Texas Local Government Code. (Staff Resource: A. Holloway)

Motion made by Councilmember Breitenstein to approve an Ordinance disannexing tracts of land described in Exhibit "A," attached hereto, from the city limits of the City of Joshua, Texas, pursuant to Section 43.142 of the Texas Local Government Code. Seconded by Councilmember Kidd.

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

7. Discuss, consider, and possible action on an Ordinance repealing 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 and replacing with a new Section 12.04.002, "Unlawful Acts; Exemption," related to Commercial Motor Vehicle Traffic Origination and Destination. (Staff Resource: A. Bransom)

No discussion or action on this item.

8. Discuss, consider, and possible action on approval of a resolution awarding the Administration Services Provider Contract for the 2023-2024 CDBG Texas Community Development Block Grant. (Staff Resource: A. Bransom)

Motion made by Councilmember Nichols to approve a resolution awarding the Administration Services Provider Contract for the 2023-2024 CDBG Texas Community Development Block Grant to GrantWorks. Seconded by Councilmember Breitenstein.

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

9. Discuss, consider, and possible action on a resolution awarding the Engineering, Architectural, and Surveying Services Contract for the 2023-2024 Texas Community Development Block Grant administered by the Texas Department of Agriculture. (Staff Resource: A. Bransom)

Motion made by Councilmember Breitenstein to approve a resolution awarding the Engineering, Architectural, and Surveying Services Contract for the 2023-2024 Texas Community Development Block Grant administered by the Texas Department of Agriculture to Jacob Martin. Seconded by Councilmember Kidd.

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

10. Discuss, consider, and possible action on approval of a 380 Agreement with Fairmount Outdoor Advertising. (Staff Resource: M. Peacock)

Motion made by Councilmember Kidd to approve a 380 Agreement with Fairmount Outdoor Advertising. Seconded by Councilmember Breitenstein.

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

11. Discuss, consider, and possible action on a franchise agreement between the City of Joshua and United Cooperative Services Internet Services. (Staff Resource: M. Peacock)

Motion made by Councilmember Breitenstein to approve a franchise agreement between the City of Joshua and United Cooperative Services Internet Services. Seconded by Councilmember Kidd.

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

12. Discuss, consider, and possible action on awarding the Bank Depository Services. (Staff Resource: M. Peacock)

Motion made by Councilmember Nichols to award the Bank Depository Services Agreement to Pinnacle Bank. Seconded by Councilmember Breitenstein.

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

13. Discuss, consider, and possible action on cost estimates/projections of a proposed municipal complex. (Staff Resource: M. Peacock)

Mayor Kimble stated that this item will be discussed in Executive Session for legal consultation with the City Attorney.

14. Discuss, consider, and possible action on approval of a Funding Agreement with the Johnson County Special Utility District for a 16" Water Main that extends from the 700 Block of N. Main south to Hwy.

174 and then south to connect to existing infrastructure and increasing water flows in Joshua Station. (Staff Resource: M. Peacock)

Motion made by Councilmember Kidd to approve a Funding Agreement with the Johnson County Special Utility District for a 16" Water Main that extends from the 700 Block of N. Main south to Hwy. 174 and then south to connect to existing infrastructure and increasing water flows in Joshua Station. , Seconded by Councilmember Breitenstein.

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

**I. STAFF REPORT-OCTOBER 2022**

1. Police Department
2. Fire Department
3. Municipal Court
4. Utility Department
5. Development Services Department
6. Parks & Recreation Department
7. Public Works
8. City Secretary

- J. 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:

- (a) City Manager
- (b) City Secretary

Mayor Kimble announced that the City Council would recess into Executive Session at 8:12 pm.

- K. 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 a regular session at 8:40 pm.

Motion made by Councilmember Breitenstein to approve the items discussed in Executive Session. Seconded by Councilmember Nichols.

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

**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 8:41 pm.

---

Scott Kimble, Mayor

---

Alice Holloway

City Secretary

Approved: December 15, 2022