



**MINUTES
CITY COUNCIL
REGULAR MEETING
NOVEMBER 18, 2021
6:30 PM**

City Council Present: Joe Hollarn, Mayor; Rick DePriest, Place 1; Angela Nichols, Place 3; Merle Breitenstein, Place 4; and Scott Kimble, Place 6.

City Council Absent: Mike Kidd, Place 2; and Robert Fleming, Place 5

City Staff Present: Mike Peacock, City Manager; Amber Bransom, Asst. City Manager; Tom Griffith, Fire Chief; David Gelsthorpe, Police Chief; Terry Welch, City Attorney; and Alice Holloway, City Secretary.

Individuals may attend the Joshua City Council meeting in person, or access the meeting via videoconference or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/86156927891?pwd=V3B2UG5uYkFLZ1FvN3pRREpQdklmQT09>
Meeting ID: 861 5692 7891 Passcode: 843101 or dial 1-346/248-7799

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

B. PLEDGE OF ALLEGIANCE

1. United States of America
2. Texas Flag

Councilmember Breitenstein led the pledge to the flags.

C. INVOCATION

Josh Burns, Pastor of Church on Union Hill gave the invocation.

D. WORK SESSION

1. Review and discuss questions related to the budget report and financial statement for October 2021. (Staff Resource: M. Peacock)
2. Questions regarding Regular Session agenda items.

No Discussion on the Work Session items (D).

E. PUBLIC FORUM, PRESENTATIONS, AND RECOGNITION:

Police Chief Gelsthorpe introduced Officer Colleen O'Hearn as Joshua Police Department's 2nd Detective.

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.

F. CONSENT AGENDA

1. Consider approval of minutes from the City Council Meeting held on November 18, 2021. (Staff Resource: A. Holloway)

Councilmember Kimble moved to approve the Consent Agenda. Councilmember Nichols seconded the motion. The motion passed unanimously.

G. REGULAR AGENDA

1. Public Hearing on a request for a zoning change regarding a 144.24 acre of land known as Tract 9 and 10, in the George Casseland Survey, Abstract No. 173, County of Johnson, Texas located on the east side of CR 1023 to change from (A) Agricultural District to the (R1L) Single Family Residential Large Lot District to allow for the construction of a residential subdivision.

Mayor Hollarn opened the public hearing at 6:33 pm.

Staff Presentation

Aaron Maldonado read the following statement:

The vacant property has never been platted and was originally zoned as Agricultural District.

This property is zoned (A) Agricultural District

The proposed development of this property is to allow for the property to be subdivided for the construction of a residential subdivision containing a minimum of 1 acre size lots and follow all of the R1L District regulations.

This development will be required to submit engineered construction plans and will also be required to preliminary plat and final plat, the City has agreed that these matters may be part of the construction and platting review process.

The proposed request complies with the Future Land Use Plan. The Planning & Zoning Board has made a recommendation to the City Council Board for approval of the rezone on November 1, 2021.

Owner's Presentation

Rob Orr stated that he is the representative of the owner of the property and he feels that the development will bring great quality to the City.

Those in Favor

Those Against

1. Todd Sterfield-stated he purchased his property in 2018. He has concerns regarding the roads. In addition, he stated that he would like to see 5 acre lots.
2. Shirley McDowell - stated that she believes the development will only bring problems to the area.

3. Julian Torrez- stated that he was in the same situation 4 years ago and he wished the development in his area was 1 acre lots.

Owner's Rebuttal—No Discussion.

Mayor Hollarn closed the public hearing after no more discussion at 6:46 pm.

2. Discuss, consider, and possible action on an Ordinance approving a request for a zoning change regarding a 144.24 acre of land known as Tract 9 and 10, in the George Casseland Survey, Abstract No. 173, County of Johnson, Texas located on the east side of CR 1023 to change from (A) Agricultural District to the (R1L) Single Family Residential Large Lot District to allow for the construction of a residential subdivision.

Councilmember Breitenstein moved to approve an Ordinance approving a request for a zoning change regarding a 144.24 acre of land known as Tract 9 and 10, in the George Casseland Survey, Abstract No. 173, County of Johnson, Texas located on the east side of CR 1023 to change from (A) Agricultural District to the (R1L) Single Family Residential Large Lot District to allow for the construction of a residential subdivision. Mayor Hollarn seconded the motion. The motion passed 3-1-1 Councilmember DePriest voted against and Councilmember Kimble abstained.

3. Discuss, consider, and possible action on an Ordinance establishing and implementing a program to charge mitigation rates for the deployment of emergency and non-emergency services by the Joshua Fire Department for services provided for the City of Joshua.

Councilmember DePriest moved to approve an Ordinance establishing and implementing a program to charge mitigation rates for the deployment of emergency and non-emergency services by the Joshua Fire Department for services provided for the City of Joshua. Councilmember Kimble seconded the motion. The motion passed unanimously.

4. Discuss, consider, and possible action on an Ordinance amending Chapter 8, "Offenses and Nuisances," of the Code of Ordinances by adding a new article 8.09, "Traffic, Sidewalk and Public Way obstructions"; providing for the removal of traffic obstructions, including the trimming of trees and other plants and foliage.

Councilmember Kimble moved to approve an Ordinance amending Chapter 8, "Offenses and Nuisances," of the Code of Ordinances by adding a new article 8.09, "Traffic, Sidewalk and Public Way obstructions"; providing for the removal of traffic obstructions, including the trimming of trees and other plants and foliage. Councilmember Breitenstein seconded the motion. The motion passed unanimously.

5. Discuss, consider, and possible action on a resolution affirming the casting of votes in the 2022-2023 Election of the Board of Directors for the Central Appraisal District of Johnson County.

Councilmember Kimble moved to approve a resolution affirming the casting of votes in the 2022-2023 Election of the Board of Directors for the Central Appraisal District of Johnson County. Councilmember Breitenstein seconded the motion. The motion passed unanimously.

6. Discuss, consider, and possible action on an agreement for Fire/Emergency Response Billing with EmergiFire, LLC and authorize the city manager to execute all necessary documents.

Councilmember DePriest moved to approve an agreement for Fire/Emergency Response Billing with EmergiFire, LLC and authorize the city manager to execute all necessary documents. Councilmember Nichols seconded the motion. The motion passed unanimously.

7. Discuss, consider, and possible action on a lease agreement with Kyocera for the purpose of providing copiers, printers, and maintenance services and authorize the city manager to execute all necessary documents.

Councilmember Kimble moved to table this item until the December 2021 meeting. Councilmember Breitenstein seconded the motion. The motion passed unanimously.

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

Councilmember Breitenstein moved to appoint Danny Turpen as alternate number 2 on the Planning and Zoning Commission. Councilmember Nichols seconded the motion. Motion passed 3-2-0 Councilmembers DePriest and Kimball voted against.

H. STAFF REPORT

October 2021

1. Police Department Report
2. Fire Department Report
3. Municipal Court Report
4. Public Works Report
5. Development Services Report
6. City Secretary Report

I. 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:

Mayor Hollarn opened for discussion at 7:36 pm.

1. In accordance with the Texas Government Code, Section 551.074; To deliberate regarding the appointment, employment and evaluation of a public officer or employee.

(a) City Manager

Mayor Hollarn closed session at 7:58 pm.

J. 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.

K. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS 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.

1. Internet Infrastructure
2. Cell Phone Update
3. Train Update
4. High School Overpass

H. ADJOURNMENT

Mayor Hollarn adjourned the meeting at 8:03 PM.


Joe Hollarn, Mayor

ATTEST:


Alice Holloway, TRMC
City Secretary

Approved: December 16, 2021