



**MINUTES
CITY COUNCIL
REGULAR MEETING
MAY 20, 2021
6:30 PM**

City Council Present: Joe Hollarn, Mayor; Rick DePriest, Place 1; Mike Kidd, Place 2; Angela Nichols, Place 3; Robert Purdom, Place 4; Robert Fleming, Place 5; and Scott Kimble, Place 6.

City Council Absent: NA

City Staff Present: Mike Peacock, City Manager; Shaun Short, Police Chief; Tom Griffith, Fire 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/87509870144?pwd=bEpZWGFNOS9jWE8xYlhmcdhQNnc4Zz09>

Meeting ID: 875 0987 0144 Passcode: 471729 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 may be found on the city's website (cityofjoshuatx.us) on the Agenda/Minutes/Recordings page. Speaker cards received will be read during the meeting in the order received by the City Secretary.
- By phone: Please call 817/558-7447 ext. 2003 and provide your name, address, and question. Your question will be read by the City Secretary in the order they are received.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Mayor Hollarn announced a quorum present and call 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 to the flags.

C. INVOCATION

Dale Wilbanks, Pastor of First United Methodist Church led the invocation.

D. WORK SESSION

1. Review and discuss questions related to the budget report and financial statement for April 2021.
(Staff Resource: M. Peacock)

No discussion on this item (D1).

2. Questions regarding Regular Session agenda items.

No discussion on this item (D2).

E. PUBLIC FORUM, PRESENTATIONS, 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. No Council deliberation is permitted. Each person will have 3 minutes to speak.

1. Presentation of Life Saving Award by the Chisholm Trail 100 Club.

Captain Ron Hall and Lt. Luke Burgdorf was presented a Life-Saving Award by the Chisholm Trail 100 Club.

2. Fire Department Badge Pinning Ceremony.

Firefighter Trent Yerigan, Cody Owens, and Justin Clanton were honored at the Badge Pinning Ceremony.

3. Recognition of Councilmember Robert Purdom for 3 Years of Service to the City of Joshua.

Mayor Hollarn presented Councilmember Purdom with a plaque of appreciation and thanked him for his years of service to the City of Joshua.

4. Presentation of Certificates of Election and administer the Oath of Office to the newly elected official(s).

Mayor Hollarn presented Merle Breitenstein and Scott Kimble with Certificates of Election. City Secretary Holloway administered the Oath of Office.

F. CONSENT AGENDA

1. Consider approval of minutes from the City Council Meeting held on April 15, 2021. (Staff Resource: A. Holloway)

Councilmember Kidd 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 0.016 acre of land known as Lt. 9 S.28ft. and Lt.10, Blk.5, Original Town of Joshua in the W.W. Byers Survey, Abstract No. 29, County of Johnson, Texas located on the northeast corner of N. Main St. and E. 12th St. to change from (C-1) Restricted Commercial District to the (PD) Planned Development District and associated Detailed Site Plan located in the Heritage Preservation Overlay District for the development of a retail building. (Staff Resource: A. Maldonado)

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

Mayor Hollarn opened the public hearing at 6:57 pm a zoning change regarding a 0.016 acre of land known as Lt. 9 S.28ft. and Lt.10, Blk.5, Original Town of Joshua in the W.W. Byers Survey, Abstract No. 29, County of Johnson, Texas located on the northeast corner of N. Main St. and E. 12th St. to change from (C-1) Restricted Commercial District to the (PD) Planned Development District and associated Detailed Site Plan located in the Heritage Preservation Overlay District for the development of a retail building.

Staff Presentation – Development Services Director Maldonado read the following statement:

The property was originally platted as the Original Town of Joshua. It is located within the Heritage Preservation Overlay District and as properties develop, they need to have a Planned Development designation to meet the design requirements of that district. The Planned Development was approved by City Council on May 20, 2021.

This property is zoned PD, Planned Development.

The proposed development of this property is to allow for a retail building with four lease spaces. The proposed building will be 5,090 square feet.

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

Owner Presentation – Robbie Rumfields stated that he was present for any questions.

Those in Favor- NA

Those Against- NA

Owner's Rebuttal- NA

After no more comments, Mayor Hollarn closed the public hearing at 7:00 p.m.

2. Discuss, consider, and possible action on an Ordinance approving a request for a zoning change regarding a 0.016 acre of land known as Lt. 9 S.28ft. and Lt.10, Blk.5, Original Town of Joshua in the W.W. Byers Survey, Abstract No. 29, County of Johnson, Texas located on the northeast corner of N. Main St. and E. 12th St. to change from (C-1) Restricted Commercial District to the (PD) Planned Development District and associated Detailed Site Plan located in the Heritage Preservation Overlay District for the development of a retail building. (Staff Resource: A. Maldonado)

Councilmember DePriest moved to approve an Ordinance approving a request for a zoning change regarding a 0.016 acre of land known as Lt. 9 S.28ft. and Lt.10, Blk.5, Original Town of Joshua in the W.W. Byers Survey, Abstract No. 29, County of Johnson, Texas located on the northeast corner of N. Main St. and E. 12th St. to change from (C-1) Restricted Commercial District to the (PD) Planned Development District and associated Detailed Site Plan located in the Heritage Preservation Overlay District for the development of a retail building. Councilmember Kidd seconded the motion. The motion passed unanimously.

3. Public hearing on a request to rezone a tract of land in the Eli M. Thomason Survey, Abstract No. 827, TR 52 County of Johnson, Texas and being approximately 46.040 acres of land and locally

known as 1200 CR 909, changing the zoning to the foregoing property from (A) Agricultural District to the (PD) Planned Development District to allow for a residential subdivision. (Staff Resource: A. Maldonado)

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

Mayor Hollarn opened the public hearing at 7:00 pm on a request to rezone a tract of land in the Eli M. Thomason Survey, Abstract No. 827, TR 52 County of Johnson, Texas and being approximately 46.040 acres of land and locally known as 1200 CR 909, changing the zoning to the foregoing property from (A) Agricultural District to the (PD) Planned Development District to allow for a residential subdivision.

Staff Presentation – Development Services Director Maldonado read the following statement:

The approximate 46-acre tract of land has never been platted and has been zoned and used for agriculture with a single-family residence located on the property.

This property is zoned A – Agricultural District

The proposed development of this property is to allow for a Planned Development of approximately 143 single-family lots and three open spaces to be served by standard curb and gutter residential streets. A Homeowners Association will maintain the open spaces as well as the entry signs.

The applicant is requesting a Planned Development District and is meeting most of the requirements of the R-1 zoning district with the exception of the lot width and lot size as detailed in the "Zoning Requirement Comparison Table" shown in their proposal.

This proposal was first denied by the Planning and Zoning Commission on April 5, 2021, by a vote of 6-1. The applicant withdrew his application and revised his proposal according to the concerns of the Planning and Zoning Commission and the citizen comments. The applicant reapplied and went before the Planning and Zoning Commission on May 3, 2021, and was denied by a vote of 5-2. Since then, the applicant has updated his Planned Development proposal and has added a document showing the increases to the R-1 zoning regulations. These increases will drastically increase the look and the value of the homes built within this subdivision.

The requirements of a Detailed Site Plan include specific information related to engineering such as drainage and other transportation-related issues. Because this property requires to be final platted, the City has agreed that these matters may be part of the preliminary and final platting review process.

This request appears to meet the minimum requirements as set forth in the Subdivision Ordinance with the exception of the lot width and the lot size as stated above.

Owner's Presentation – Courtney Coates stated that he made several changes from the first presentation to the Planning and Zoning. Mr. Coates asked the City Council to consider approving the development.

Those in Favor: NA

Those Against: NA

Owner's Rebuttal: NA

4. Discuss, consider, and possible action on Ordinance approving a request to rezone a tract of land in the Eli M. Thomason Survey, Abstract No. 827, TR 52 County of Johnson, Texas and being approximately 46.040 acres of land and locally known as 1200 CR 909, changing the zoning to the foregoing property from (A) Agricultural District to the (PD) Planned Development District to allow for a residential subdivision. (Staff Resource: A. Maldonado)

Mayor Hollarn announced that the City Council will recess into Executive Session at 7:10 for private consultation with City Attorney Welch.

Mayor Hollarn announced the meeting is reconvened into a regular session at 7:20 pm.

Councilmember Kimble moved to approve Ordinance approving a request to rezone a tract of land in the Eli M. Thomason Survey, Abstract No. 827, TR 52 County of Johnson, Texas and being approximately 46.040 acres of land and locally known as 1200 CR 909, changing the zoning to the foregoing property from (A) Agricultural District to the (PD) Planned Development District to allow for a residential subdivision. Councilmember Fleming seconded the motion. The motion passed unanimously.

5. Public hearing on a request for a waiver to reduce a gas well setback by 100 feet upon a property located at 1001 Stadium Drive, Joshua, Johnson County, Texas, more particularly known as a tract of land in the McKinney & Williams Survey, Abstract No. 636, TR 14A County of Johnson, Texas and being approximately 17.8290 acres of land to allow for a residential subdivision known as Cooper Valley, Phase 5 that has eleven (11) proposed lots affected by the gas well located at 1113 Stadium Drive. (Staff Resource: A. Maldonado)
 - Staff Presentation
 - Owner's Presentation
 - Those in Favor
 - Those Against
 - Owner's Rebuttal

Mayor Hollarn opened the public hearing at 7:22 pm on a request for a waiver to reduce a gas well setback by 100 feet upon a property located at 1001 Stadium Drive, Joshua, Johnson County, Texas, more particularly known as a tract of land in the McKinney & Williams Survey, Abstract No. 636, TR 14A County of Johnson, Texas and being approximately 17.8290 acres of land to allow for a residential subdivision known as Cooper Valley, Phase 5 that has eleven (11) proposed lots affected by the gas well located at 1113 Stadium Drive.

Staff Presentation – Development Services Director Maldonado read the following statement:

The approximate 17.8290-acre tract of land has been preliminary platted and is in the process of a final plat but is affected by a gas well located on the property to the east of the proposed subdivision.

This property is zoned PD – Planned Development District

Per City Ordinance, a 600-foot setback distance from an existing gas well is required for any protected use. The applicant is requesting a 100-foot waiver to reduce the setback to 500-feet to allow homes to be constructed on the 11 affected lots.

Owner's Presentation- Dan Thomas stated that he was available for any questions.

Those in Favor- NA

Those Against-NA

Owner's Rebuttal-NA

After no more comments, Mayor Hollarn closed the public hearing at 7:25 pm.

6. Discuss, consider, and possible action on a request for a waiver to reduce a gas well setback by 100 feet upon a property located at 1001 Stadium Drive, Joshua, Johnson County, Texas, more particularly known as a tract of land in the McKinney & Williams Survey, Abstract No. 636, TR 14A County of Johnson, Texas and being approximately 17.8290 acres of land to allow for a residential subdivision known as Cooper Valley, Phase 5 that has eleven (11) proposed lots affected by the gas well located at 1113 Stadium Drive. (Staff Resource: A. Maldonado)

Councilmember Kimble moved to approve a request for a waiver to reduce a gas well setback by 100 feet upon a property located at 1001 Stadium Drive, Joshua, Johnson County, Texas, more particularly known as a tract of land in the McKinney & Williams Survey, Abstract No. 636, TR 14A County of Johnson, Texas and being approximately 17.8290 acres of land to allow for a residential subdivision known as Cooper Valley, Phase 5 that has eleven (11) proposed lots affected by the gas well located at 1113 Stadium Drive. Councilmember Breitenstein seconded the motion. The motion passed unanimously.

7. Discuss, consider, and possible action on approving the expenditure of \$3800.00 to Johnson County for Brush Cuts for C.R. 909. (Staff Resource: M. Peacock)

Councilmember Kidd moved to approve the expenditure of \$3800.00 to Johnson County for Brush Cuts for C.R. 909. Councilmember Nichols seconded the motion. The motion passed unanimously.

8. Discuss, consider, and possible action on approving the expenditure of \$6,380.00 to Johnson County for micro-surfacing the street surfaces for CR 800A and Joshua Blvd. (Staff Resource: M. Peacock.)

Councilmember Fleming moved to approve the expenditure of \$6,380.00 to Johnson County for micro-surfacing the street surfaces for CR 800A and Joshua Blvd. Councilmember Breitenstein seconded the motion. The motion passed unanimously.

9. Discuss, consider, and possible action on board appointments. (Staff Resource: A. Holloway)

Councilmember Breitenstein moved to appoint Julian Torres as Alternate 2 on the Planning & Zoning Commission. Councilmember Kimble seconded the motion. The motion passed unanimously.

Councilmember Breitenstein moved to appoint Jennifer Hancock to serve place 2 on the Zoning Board of Adjustment. Councilmember Kimble seconded the motion. The motion passed unanimously.

H. STAFF REPORT

April 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:

1. Pursuant to Section 551.071 of the Texas Government Code, consultation with the City Attorney regarding legal issues associated with Articles III and IV of the City Charter, and all matters incident and related thereto.
2. Pursuant to Section 551.071 of the Texas Government Code, consultation with the City Attorney regarding legal issues associated with critical incident management, and all matters incident and related thereto.

Mayor Hollarn announced that the City Council will recess into Executive Session at 7:42 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 the executive session.

Mayor Hollarn reconvened the meeting into a regular session at 8:37 pm.

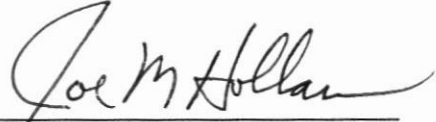
No action was taken as a result of the Executive Session.

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. Any Councilmember may, however, state an issue and a request that this issue is placed on a future agenda.

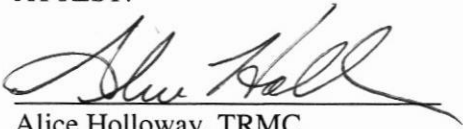
L. ADJOURNMENT

Mayor Hollarn adjourned the meeting at 8:38 pm.



Joe Hollarn, Mayor

ATTEST:



Alice Holloway, TRMC
City Secretary

Approved: June 17, 2021