MINUTES
CITY COUNCIL
REGULAR MEETING
APRIL 15, 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; Amber Bransom, Asst. 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://us04web.zoom.us/j/72604276224?pwd=YS84QytMaHZZMWg1VTFod1U0TVNiQT09
Meeting ID: 726 0427 6224 Passcode: phrEd6 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 and called the meeting to order at 6:30 pm.

B. PLEDGE OF ALLEGIANCE

1. **United States of America**
2. **Texas Flag**

Councilmember Nichols led the Pledge of Allegiance.

C. INVOCATION

Councilmember Fleming gave the invocation.

D. WORK SESSION

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

City Manager Peacock presented the budget report and financial statement for March 2021. There was no discussion or questions regarding this item.

2. Discuss and review the Fire Marshal's Office policies and procedures. (Staff Resource: T. Griffith)

   Councilmember Kimble stated that after reviewing the policies, he sees this as establishing another police agency. Fire Chief Griffith stated that the policies presented are required by TCLOSE.

   Councilmember Kimble stated that from the beginning, this has been about carrying a gun. He stated that the current fire marshal is already allowed to carry a gun.

   City Manager Peacock stated that procedures are already in place. Councilmember Kimble asked the City Manager to send him copies.

   Councilmember DePriest asked what the standards are for the Fire Marshal Policies. Fire Chief stated that the Police Chief Association template was used.

   City Attorney Welch stated that applicable state laws and job descriptions will be in addition to duties.

3. Discuss and receive direction on the proposed five (5) year Capital Improvement Program. (Staff Resource: M. Peacock)

   City Manager Peacock presented the five-year Capital Improvement Program. Councilmember Kidd stated that we need to focus on the streets now. Councilmember Fleming stated that he would like to see an infrastructure fund set up. Mayor Hollarn stated that staff is currently viewing impact and permit fees.

4. Questions regarding Regular Session agenda items.

   No discussion or questions on this item.

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. Proclamation for National Day of Prayer

   Mayor Hollarn read and presented the proclamation for the National Day of Prayer.

2. Proclamation for Motorcycle Awareness Week

   Mayor Hollarn read and presented the proclamation for Motorcycle Awareness Week.

F. CONSENT AGENDA

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

2. Consider approval of a resolution of the City Council designating signatories of City of Joshua Financial Accounts.

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

G. REGULAR AGENDA

1. Discuss, consider, and possible action on accepting the FY19-20 Annual Financial Report. (Staff Resource: M. Peacock)

   Mr. Chris Knopik, Auditor with CLAconnect, presented the Annual Financial Report ending September 30, 2020.

   Councilmember Kidd moved to accept the FY19 Annual Financial Report. Councilmember DePriest seconded the motion. The motion passed unanimously.

2. Public hearing regarding a request for a Planned Development District with associated Detailed Site Plan on a 1.151-acre tract of land located at the northwest corner of Plum Street and State Highway 174, and is located within the Joshua Station Overlay District with a Land Use Designation of Corridor Retail (CR) for the purpose of constructing a Panda Express restaurant. (Staff Resource: A. Maldonado)

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

   Mayor Hollarn opened the public hearing at 7:32 p.m.

   Staff Presentation- Aaron Maldonado read the following statement:

   A preliminary plat of Joshua Station Addition was approved in 2008. There have been numerous final plats and replats of this 44-acre tract of land since 2008, including the final plat of Lot 10. During that time, the name of the plat for Lot 10 was changed from Joshua Station Addition to Cypress Creek Addition. Regardless, it is part of the same preliminary plat that was approved in 2008. The subject property is referred to as Lot 9, as per the approved preliminary plat, and will be platted as such. There was a Planned Development District and associated Conceptual Plan approved for Lot 10, Cypress Creek Addition; however, other properties within this preliminary platted area, as they develop, need to have the PD designation and Detailed Site Plan approved prior to construction.

   This property is zoned C-1, Restricted Commercial, and I- Industrial

   The proposed development of this property is to allow for a fast-food restaurant with drive-thru service for Panda Express. The proposed building will be 2,381 square feet.

   The applicant will comply with most of the regulations in the Zoning Ordinance, however, they are requesting a waiver (variance) to the provisions of the ordinance outlined in the Development Standards.

   The Zoning Ordinance "The Ordinance" requires a masonry wall to be constructed between residential uses and non-residential uses. There is a multifamily dwelling complex located behind this property with an existing six (6) foot wooden fence. The applicant is asking for a waiver to the masonry wall in order to keep the existing wooden fence in place. This same waiver was requested by and granted to the Starbucks development just north of this site.

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 final platting review process.

The Planning & Zoning Commission has made a recommendation for approval to the City Council on March 9, 2021.

Owner's Presentation - None
Those in Favor - None
Those Against- None
Owner's Rebuttal- None

After no more comments, Mayor Hollarn closed the public hearing at 7:38 pm.

3. Discuss, consider, and possible action on an ordinance changing the zoning on an approximately 1.151-acre tract of land located at the northwest corner of Plum Street and State Highway 174, and is located within the Joshua Station Overlay District with a land use designation of Corridor Retail (CR) to Planned Development District (PD). (Staff Resource: A. Maldonado)

   Councilmember Purdom moved to approve an Ordinance changing the zoning on an approximately 1.151-acre tract of land located at the northwest corner of Plum Street and State Highway 174 and being located within the Joshua Station Overlay District with a land use designation of Corridor Retail (CR) to Planned Development District (PD). Councilmember Kimble seconded the motion. The motion passed unanimously.

4. Public hearing regarding a request for a Planned Development District with associated Detailed Site Plan on a 1.858-acre tract of land located west of Highway 174 locally known as 952 South Broadway Street, George Casseland Survey, Abstract No. 173 to change from (C-1) Restricted Commercial District to the (PD) Planned Development District and associated Detailed Site Plan for a McDonald's restaurant. (Staff Resource: A. Maldonado)

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

Mayor Hollarn opened the public hearing at 7:37 pm.

Staff Presentation – Aaron Maldonado read the following statement:

A preliminary plat of Joshua Station Addition was approved in 2008. The subject property is referred to as Lot 4, as per the approved preliminary plat, and will be platted as such. This property is located within the Joshua Station Overlay District and as properties develop, they need to have a Planned Development designation and Detailed Site Plan approved prior to construction.

This property is zoned C-1, Restricted Commercial

The proposed development of this property is to allow for a fast-food restaurant with drive-thru service for McDonald's. The proposed building will be 4,500 square feet.

The requirements of a Detailed Site Plan include specific information related to engineering such as drainage and other transportation-related issues. Per Sect. 10.7.10 of the subdivision ordinance, a Traffic Impact Analysis (TIA) is required when the number of average daily trips exceeds 1,000. Because the number of average daily trips for this project exceeds 1,000, a TIA is required. The TIA may be submitted with the Final Plat and plans; however, the applicant will be responsible for making any changes to the site plan recommended by the traffic analysis. Because this property requires to be final platted, the City has agreed that these matters may be part of the final platting review process.

The Planning & Zoning Commission has made a recommendation for approval to the City Council on April 5, 2021.

Owner's Presentation - None
Those in Favor - None
Those Against- None
Owner's Rebuttal- None

After no more comments, Mayor Hollarn closed the public hearing at 7:39 pm.

5. Discuss, consider, and possible action on an ordinance changing the zoning on an approximately 1.858-acre tract of land located west of Highway 174 locally known as 952 South Broadway Street, George Casseland Survey, Abstract No. 173 to change from (C-1) Restricted Commercial District to the (PD) Planned Development District. (Staff Resource: A. Maldonado)

   Councilmember Fleming moved to approve an Ordinance changing the zoning on an approximately 1.858-acre tract of land located west of Highway 174 locally known as 952 South Broadway Street, George Casseland Survey, Abstract No. 173 to change from (C-1) Restricted Commercial District to the (PD) Planned Development District. Councilmember Nichols seconded the motion. The motion passed unanimously.

6. Public hearing regarding a request to amend the Thoroughfare Master Plan contained in the 2016 Comprehensive Plan, by removing the proposed 2-Lane Collector Roadway from SH 174 to CR 1022 and designating CR 904 west of SH 174 as a 2-Lane Collector Roadway. (Staff Resource: A. Maldonado)

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

   Mayor Hollarn opened the public hearing at 7:40 pm.

   Staff Presentation – Aaron Maldonado read the following statement:

   The Thoroughfare Plan was last updated in 2016 and it is apparent that provisions must be made for changing the regulations as conditions change or new conditions arise. Otherwise, zoning would be confined and a detriment to a community instead of an asset. Periodic revision is essential if the ordinance is to establish and maintain a rational land use pattern. In this case, the 2-lane collector road is causing difficulty in developing the area as the proposed road crosses multiple tracts of land. The City is proposing to realign the 2-lane collector road downward to CR 904.

The Planning and Zoning Commission has made a recommendation for approval to the City Council on April 5, 2021.

Owner's Presentation - None
Those in Favor - None
Those Against- None
Owner's Rebuttal- None
After no more comments, Mayor Hollarn closed the public hearing at 7:42 pm.

7. Discuss, consider, and possible action on amending the Thoroughfare Masterplan contained in the 2016 Comprehensive Plan by removing the existing 2-Lane Collector Roadway from SH 174 to CR 1023 and designating CR 904 west of SH 174 as a 2-Lane Collector Roadway. (Staff Resource: A. Maldonado)

   Councilmember Kidd moved to approve the amendment to the Thoroughfare Masterplan contained in the 2016 Comprehensive Plan by removing the existing 2-Lane Collector Roadway from SH 174 to CR 1023 and designating CR 904 west of SH 174 as a 2-Lane Collector Roadway. Councilmember DePriest seconded the motion. The motion passed unanimously.

8. Discuss, consider, and possible action on repealing Ordinance no. 149.85, an Ordinance providing for the Design and Construction of streets, sidewalks, curbs, gutters, and storm sewers in the City of Joshua, Texas: adopting new "City of Joshua Engineering Design Standards and Specifications". (Staff Resource: A. Maldonado)

   Councilmember Purdom moved to approve repealing Ordinance no. 149.85, an Ordinance providing for the Design and Construction of streets, sidewalks, curbs, gutters, and storm sewers in the City of Joshua, Texas: adopting new "City of Joshua Engineering Design Standards and Specifications". Councilmember Nichols seconded the motion. The motion passed unanimously.

9. Discuss, consider, and possible action on a resolution approving a contract for Bank Depository Services and authorize the mayor to execute all necessary documents. (Staff Resource: M. Peacock)

   City Manager Peacock asked the council to reject the bid. He stated staff was not ready to move forward at this time.

   Councilmember Fleming moved to reject bids regarding the contract for Bank Depository Services and authorize the mayor to execute all necessary documents. Councilmember Kidd seconded the motion. The motion passed unanimously.

10. Discuss, consider, and possible action on an Ordinance amending Chapter 9, "Personnel" of the Code of Ordinances by adding thereto a new article 9.04, Fire Marshal'. (Staff Resource: T. Griffith)

    Councilmember Purdom moved to approve an Ordinance amending Chapter 9, "Personnel" of the Code of Ordinances by adding thereto a new article 9.04, Fire Marshal'. Councilmember Kidd seconded the motion. The motion passed. Councilmember Kimble and DePriest voted against it.

11. Discuss, consider, and possible action on an Interlocal Cooperation Agreement for Dispatching Services for Budget Year 2020-2021 regarding the Fire Marshal's Office. (Staff Resource: T. Griffith)

    Councilmember Kidd moved to approve an Interlocal Cooperation Agreement for Dispatching Services for Budget Year 2020-2021 regarding the Fire Marshal's Office. Councilmember Fleming seconded the motion. The motion passed. Councilmember Kimble voted against it.

12. Discuss, consider, and possible action on an Interlocal Cooperation Agreement for Housing Class C Misdemeanor Prisoners for Budget Year 2020-2021 regarding the Fire Marshal's Office. (Staff Resource: T. Griffith)

    Councilmember Kidd moved to approve an Interlocal Cooperation Agreement for Housing Class C Misdemeanor Prisoners for Budget Year 2020-2021 regarding the Fire Marshal's Office. Councilmember Nichols seconded the motion. The motion passed. Councilmember Kimble and DePriest voted against it.

H. STAFF REPORT

March 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:

Pursuant to Section 551.071, consultation with the City Attorney regarding legal issues associated with agreements pursuant to Chapter 43 of the Texas Local Government Code, and all matters incident and related thereto.

Mayor Hollarn announced that the City Council will recess into Executive Session at 7:57 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 announced the meeting reconvened into regular session at 8:35 p.m.

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

K. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON 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.

NA

L. ADJOURNMENT

Mayor Hollarn adjourned the meeting at 8:35 p.m.

Joe M Holla

Joe Hollarn, Mayor

ATTEST:

Alice Holloway, TRMC
City Secretary

Approved: May 20, 2021