



**MINUTES
CITY COUNCIL
REGULAR MEETING
JUNE 18, 2020
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; Jerry Moore, Place 5; and Scott Kimble, Place 6.

City Council Absent: NA

City Staff Present: Josh Jones, City Manager; Mike Peacock, Asst. City Manager; Aaron Maldonado, Development Services Director; Terry Welch, City Attorney; and Alice Holloway, City Secretary.

City facilities are closed to the public in response to a health emergency specifically Coronavirus Disease (COVID-19). This meeting is available via live stream.

Join Zoom Meeting

https:

<https://us02web.zoom.us/j/81963878245?pwd=VVVycjhTai9OeXY4VUthYmtkZVNUOT09>

Meeting ID: 819 6387 8245 Password: 943153

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

B. WORK SESSION

1. Review and discuss questions related to the budget report and financial statement for May 2020.
(Staff Resource: J. Jones)

City Manager Jones stated that we are about 2 percent ahead of schedule in sales tax.

2. Review and discuss information related to drainage issues affecting specific commercial businesses at 609- 613 N. Broadway. (Staff Resource: M. Peacock)

Asst. City Manager Peacock stated the drainage issue was brought to the City's attention in 2015. He stated that things exacerbated during the construction of Wildwood Development, until the entire infrastructure was complete, but the problem existed prior to the development. In addition, he stated that in 2015, the City believed that it was possible to enforce the guidelines, but we learned that we had

very little enforcement authority. He stated that he talked to Mr. Wright and asked him to help resolve the problem. He stated that he did some of the requested items, but not all.

Asst. City Manager Peacock stated that the drainage issue is on private property. He stated that he asked TCEQ for assistance, but they would not be part of a civil issue.

Mrs. Julie Pool stated that they have dealt with this issue for many years. She stated that they have been Joshua around 15 years, but the increase of flooding started after the Wildwood Development started. In addition, she stated that in the last 12-24 months, it has gotten so much worse. She stated that in 2019, they had \$16,000 dollars in damages from flooding.

Councilmember Kimble asked if the sandbags are still in place. Mr. Sid Pruitt, owner of building, stated that a lot of dirt work has been done and the City supplied sandbags to help with the flooding.

Mrs. Melinda Wolff-Foster stated that she purchased the property in 2009. She stated that in Sept 2015, a large berm was installed by Mr. Wright and after the berm was installed, they began experience flooding. In addition, she stated that both the City Manager and Asst. City Manager assured her that the issue would be resolved. She stated that when the Wildwood Development started, they began to experience a new and extreme intensity.

Mrs. Melinda Wolff-Foster stated by mid-May, they were facing safety issues with their clients. In addition, she stated that over the last 5 years, she had communicated with city management with countless calls, meetings, and emails. She stated that the city had made assurances time and time again, but never followed through on them.

Councilmember Moore asked why is it the city should be involved. Mrs. Melinda Wolff-Foster answered because of the emails between her and the City Manager & Asst. City Manager.

Mayor Hollarn asked Mrs. Melinda Wolff-Foster to confirm that the flooding did not start until the berm was installed. Melinda Wolff-Foster confirmed that was correct. Mayor Hollarn asked why it is the City's responsibility when Mr. Wright put in a berm on his private property. Melinda Wolff-Foster stated because of the City ordinance.

Asst. City Manager Peacock stated that the ordinance is overridden by the Local Government Code and it mandates that TCEQ must be a participant in any civil litigation, which is the only option allowed in the Local Government Code. He stated that TCEQ has declined to be involved. In addition, he stated that the City has no legal authority to make him take down the berm; however he did remove the section where it directed water towards the Pet Pines building.

Councilmember Kidd asked if the ordinance in 2015 had anything in it that stated that it was illegal at that time. He also asked if the City has changed anything since then.

Councilmember Kidd asked ow did he get away with changing the water flow.

Asst. City Manager Peacock stated that the Local Government Code overrides the city ordinance and it states that it is a civil issue.

City Attorney Welch stated that neighboring property owners always have the option to sue the adjacent property owner. In addition, he stated that the City does not have any rights in this issue; it must be between property owners.

Councilmember Moore asked the participants if anyone has filed litigation against Wildwood Development since everyone agrees that they created the issue. Mrs. Julie Pool stated that they were told that Wildwood was untouchable and that the City was going to handle it.

Mrs. Melinda Wolff-Foster stated that she was told that Wildwood met all of city requirements. In addition, she stated that they have worked hard to try to come up with a solution and try to come up with a way the City could help them.

Mayor Hollarn stated that the City tries to find ways to help and sometimes we cannot. He state that there are only limited situations where we can spend city funds.

Asst. City Manager Peacock stated he would be happy to reach out to TCEQ again. In addition, he stated that they might need to reach out to some of the state representatives and ask for their assistance.

Councilmember DePriest asked if there is any grant money available to assist with the issue. Asst. City Manager Peacock stated that he will look into it.

Mayor Hollarn asked City Attorney Welch to prepare a letter to TCEQ asking them to get involved. In addition, Mayor Hollarn stated that he will call State Rep. Dewayne Burns and ask for assistance.

3. Questions regarding Regular Session agenda items.

NA

C. PUBLIC FORUM, PRESENTATIONS AND RECOGNATION:

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. Introduction of Shawn Fullagar, Sergeant for the Joshua Police Department.

Mayor Hollarn stated that at the request of Police Chief Short, this item is pulled from the agenda.

D. CONSENT AGENDA

1. Consider approval of minutes from the City Council Meeting held on May 21, 2020. (Staff Resource: A. Holloway)
2. Consider ratifying the City Manager's approval of a Development Agreement between the City of Joshua and Joshua Development Company, Ltd. regarding Phase 3B of the Joshua Meadows Addition. (Staff Resource: M. Peacock)

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

E. REGULAR AGENDA

1. Public hearing on the request for zoning change from Single-Family Residential (R-1) to Single-Family Residential-Large Lot (R1L) on a 2.00 acre tract of land located at 109 Little Brook Road, legally known as Lot 1-R-3 Little Brook Estates, an addition to the City of Joshua, Johnson County, Texas 76058.
 - a. Staff Presentation
 - b. Owner's Presentation
 - c. Those in Favor
 - d. Those Against
 - e. Owner's Rebuttal

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

Development Services Director Maldonado stated the property owners have submitted a zoning change request and asking that it be changed from Single Family Residential (R-1) to Single-Family Residential-Large (R1L). He stated that this will allow them to have a stable. In addition, he stated that the zoning request is in compliance with the future land use map.

Development Services Director Maldonado stated that the Planning & Zoning Commission recommended approval on June 1, 2020 and staff recommends approval.

Danica Flew, owner of property, stated that all their neighbors have large lots and some on them have animals. She stated they have one horse that they current board. No one spoke in favor or against.

After no more discussion or comments, Mayor Hollarn closed the public hearing at 7:35 p.m.

2. Discuss, consider, and take action on the request for zoning change from Single-Family Residential (R-1) to Single-Family Residential-Large Lot (R1L) on a 2.00 acre tract of land located at 109 Little Brook Road, legally known as Lot 1-R-3 Little Brook Estates, an addition to the City of Joshua, Johnson County, Texas 76058. (Staff Resource: A. Maldonado)

Councilmember Moore thanked the owners for going thru the process. Danica Flew stated that they are happy to comply.

Councilmember Purdom moved to approve the request for zoning change from Single-Family Residential (R-1) to Single-Family Residential-Large Lot (R1L) on a 2.00 acre tract of land located at 109 Little Brook Road, legally known as Lot 1-R-3 Little Brook Estates, an addition to the City of Joshua, Johnson County, Texas 76058. Councilmember Kidd seconded the motion. The motion passed unanimously.

3. Public hearing on the adoption of a new Zoning Ordinance, to be contained in Chapter 14, "Zoning." Of the Code of Ordinances of the City of Joshua, Texas, and repealing the existing Zoning Ordinance in its entirety, currently found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas.
 - a. Staff Presentation
 - b. Those in Favor
 - c. Those Against
 - d. Staff Rebuttal

Mayor Hollarn opened the public hearing at 7:37 p.m.

Karen Mitchell, Planning Consultant, stated she was going to cover everything that was changed from the last meeting.

The following items were discussed:

- Added a requirement for Planned Development District for manufacturing Housing
- Changed site plan requirements so they can be administrative approved
- Fence Ordinance will be a standalone ordinance
- Enlarging the Heritage Preservation District area
- Removing the hyperlinks and change section 5.2 to read: for uses not listed in the table of permitted uses, the City Administration will review the use to determine if there is a similar use to what is being proposed. If there is no similar use to what is being proposed, the applicant may request for the use to be added to the table of permitted uses. The City Administration will recommend to the planning and zoning commission, the appropriate district or districts that the proposed use should be allowed in. The City Council upon

recommendation of the Planning And Zoning Commission shall have final authority on determining the use and location.

- Added section for outside storage and display
- Amendments 3.1.4d to: Upon the receipt of the report and recommendation of the Planning and Zoning Commission of an application to rezone property or to amend the zoning ordinance, not previously scheduled, the City Council shall schedule the application or amendment for public hearing and shall give notice of the time and place of the hearing by one publication in the official newspaper at least fifteen days prior to such hearing.

Karen thanked the CC and staff for working on this ordinance.

Mayor Hollarn closed the public hearing at 7:51 p.m.

4. Discuss, consider, and take action on the adoption of a new Zoning Ordinance, to be contained in Chapter 14, "Zoning." Of the Code of Ordinances of the City of Joshua, Texas, and repealing the existing Zoning Ordinance in its entirety, currently found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas. (Staff Resource: J. Jones)

Mayor Hollarn asked if the citizens who are going to be part of the Heritage Preservation District going to have to do anything. Mrs. Mitchell stated that if they change the appearance or rebuilt the house, then they will. In addition, she stated that this is to accommodate the area and allow mix uses in the area.

Councilmember Purdom questioned the wording in section 2.4.3 (c)-Terms-Each Commission shall be appointed for a two year term beginning October 1st. No members shall serve for more than four consecutive terms or eight years (whichever is less), and may be reappointment by the Council for additional terms. Mayor Hollarn asked to remove the last sentence. City Attorney Welch stated that once there is a break in terms, the clock starts ticking again.

Councilmember Purdom questioned the wording in section -2.5.2- The member must serve full term of three years unless removed as provided below. City Attorney Welch stated that all boards are 2 years. In addition, he stated that it is a good idea to have all boards terms start October 1.

Mayor Hollarn asked that the term limits in section 2.5.1 (B3) be changed from 12 years to 8 years.

Councilmember Purdom moved to approve the adoption of a new Zoning Ordinance, to be contained in Chapter 14, "Zoning." Of the Code of Ordinances of the City of Joshua, Texas, and repealing the existing Zoning Ordinance in its entirety, currently found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas. Councilmember Nichols seconded the motion. The motion passed unanimously.

5. Discuss, consider, and take action on an Ordinance of the City Council of the City of Joshua, Texas, establishing a Homestead Tax Exemption in the amount of five percent (5%) of the appraised value of the homestead; making findings; and providing an effective date. (Staff Resource: J. Jones)

Councilmember Moore moved to approve an Ordinance of the City Council of the City of Joshua, Texas, establishing a Homestead Tax Exemption in the amount of five percent (5%) of the appraised value of the homestead; making findings; and providing an effective date. Councilmember Kidd seconded the motion. The motion passed unanimously.

6. Discuss and consider ratifying the Type A Board's approval of Rumfield's reimbursement for construction of downtown public improvements. (Staff Resource: J. Jones)

Councilmember Moore moved to ratify the Type A Board's approval of Rumfield's reimbursement for construction of downtown public improvements. Councilmember Nichols seconded the motion. The motion passed unanimously.

F. STAFF REPORT

May 2020

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

G. 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 be placed on a future agenda.*

The following items were requested to be on the next agenda:

- 1) City Board and Commission Report with terms
- 2) Budget Schedule

H. ADJOURNMENT

Mayor Hollarn adjourned the meeting at 8:46 pm.

Joe Hollarn, Mayor

ATTEST:

Alice Holloway, TRMC
City Secretary

Approved: July 16, 2020