



**MINUTES
CITY COUNCIL
WORK SESSION
REGULAR SESSION
THURSDAY, MAY 16, 2019
6:30 PM**

City Council Present: Joe Hollarn, Mayor; Rick DePriest, Place 1; Mike Kidd, Place 2; Sharlotta Connally, Place 3; Robert Purdom, Place 4; Jerry Moore, Mayor Pro-Tem; and Scott Kimble, Place 6.

City Council Absent: None

City Staff Present: Josh Jones, City Manager; Kristin Hubacek Public Works Supervisor; Terry Welch, City Attorney; and Lisa Dawn Cabrera, City Secretary.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Mayor Hollarn called the meeting to order at 6:30 pm.

B. INVOCATION

Mayor Pro-Tem Moore performed the invocation.

C. PLEDGE OF ALLEGIANCE

Councilman Kidd led the pledges of allegiance.

Mayor Hollarn called a recess at 6:37 pm and turned the gavel over to Mayor Pro-Tem Moore.

Mayor Pro-Tem Moore opened the Work Session at 6:40 pm.

D. WORK SESSION

1. Review and discuss proposed State Legislation. (Staff Resource: J. Jones)

Mr. Jones gave a brief synopsis of the legislation session thus far concerning bill reducing cities authority for self-government including property tax cap, lobbying bill, building standards, permit fees, and transparency issues.

2. Review and discuss the status of FY 2015-2019 Strategic Plan including review of policy action items, management action items, and activities last month. (Staff Resource: J. Jones)

Mr. Jones updated the members of the Council concerning the strategic plan and the Council's wishes to wait until after the election in order to get the new members input in establishing and reframing goals and objectives.

3. Review and discuss questions related to the budget report and financial statement for April 2019. (Staff Resource: J. Jones)

A short discussion was held concerning the budget and financial statements concerning the sales tax collections and forfeitures/seizures.

4. Questions regarding Regular Session agenda items.

No questions were posed to staff.

5. Requests for future reports and agenda items.

Requests were made to research the paper of record and for persons making accusations of illegal activity within the members of the Council and City Staff to file formal complaints so that an investigation may be opened.

E. REGULAR SESSION

Mayor Pro-Tem Moore opened the Regular Session at 6:51 pm.

F. PUBLIC FORUM

William Lopez, 625 Alexandria, Joshua, TX addressed the members of the Council concerning flooding and with issues concerning a retaining wall in Cooper Valley Subdivision.

No one else wished to address the member of the Council.

G. CONSENT AGENDA

1. Approval of minutes from the meeting dated April 18, 2019.

Councilwoman Connally made a motion to approve the minutes as presented, seconded by Councilman Kimble.

Motion passed without objection.

H. APPOINTMENT TO BOARDS, COMMISSIONS, AND COMMITTEES

1. Discuss, consider and act regarding possible appointments/re-appointment to the Planning and Zoning Commission, Zoning Board of Adjustment, Type A EDC Board, Type B EDC & Parks Board, Heritage Preservation Committee, Library Board, and the Animal Control Advisory Board. (Staff Resource: L. Cabrera)

A brief discussion was held concerning the applicants and the members would like to speak to each of them at the next Council meeting.

No action was taken.

I. REPORTS & ACTION ITEMS FROM THE PLANNING & ZONING COMMISSION

Mayor Pro-Tem Moore opened the Public Hearing at 7:14 pm.

1. Case # PZ 2019-07 to conduct a public hearing to receive citizen's comments regarding a rezoning request of approximately 0.55 acres of land from the Restricted Commercial (C-1) zoning district to the Single Family Residential (R-1) zoning district. The property is commonly known as 101 Eight Street and is legally known as Lots 4-10, Block 3 of the Original Town Joshua Addition in the City of Joshua, Johnson County, Texas as requested by Paul Duda.

- a. Staff Presentation

Ms. Cabrera gave the members of the Council a brief description of the zoning change request.

- b. Owner's Presentation

No owner's presentation was given.

- c. Those in Favor

No one wished to speak for the request.

- d. Those Against

No one wished to speak against the request.

- e. Owner's Rebuttal

No rebuttal was given.

Mayor Pro-Tem Moore closed the Public Hearing at 7:15 pm.

2. Discuss, consider and take action on Ordinance No. 750-2019 being an Ordinance of the City Council of the City of Joshua, Texas, changing the zoning classification at 101 Eighth Street being a 0.55 acre tract of land legally described as Lots 4-10, Block 3 of the Original Town Joshua Addition in the City of Joshua, Johnson County, Texas, from Restricted Commercial (C-1) zoning district to Single Family Residential (R-1) zoning district; making findings relative thereto; providing a severability clause; providing for publication; providing for a penalty; and providing for an effective date. (Staff Resource: L. Cabrera)

A discussion was held among the members of the Council and City Staff concerning spot zoning, repairs to legal non-conforming properties, and trend of zoning.

Councilwoman Connally made a motion to approve Ordinance No. 750-2019, seconded by Councilman Kidd.

Motion passed without objection.

Mayor Pro-Tem Moore opened the Public Hearing at 7:21 pm.

3. Case # PZ 2019-08 to conduct a public hearing to receive citizen's comments regarding an amendment to Ordinance No. 690-2017 being a Planned Development of Single Family Residential Homes. The property is commonly known as 401 Caddo Street and the legal description is Tract 2 of the W W Byers Survey, Abstract 29 in the City of Joshua, Johnson County, Texas as requested by Peter Thomas with SRE Joshua Dev LLC.

- a. Staff Presentation

Ms. Cabrera gave the members of the Council a brief overview of the amendment request.

- b. Owner's Presentation

Mark Shelton, 1379 Parkway, Aledo, TX addressed the members of the Council with a short summary of the request.

- c. Those in Favor

No one wished to speak for the request.

- d. Those Against

No one wished to speak against the request.

- e. Owner's Rebuttal

No rebuttal was given.

Mayor Pro-Tem Moore closed the Public Hearing at 7:29 pm.

4. Discuss, consider and take action on Ordinance No. 751-2019 being an Ordinance of the City Council of the City of Joshua, Texas, amending Ordinance No. 690-2017 and the City's Zoning Map relative to the Planned Development Zoning on approximately 22.44 acres out of the W. W. Buyers Survey, Abstract No. 29, City of Joshua, by changing detention lots to residential lots; making findings relative thereto; providing a severability clause; providing for publication; providing for a penalty; and providing for an effective date. (Staff Resource: L. Cabrera)

Councilman Kimble made a motion to approve Ordinance No. 751-2019, seconded by Councilman Kidd.

Motion passed without objection.

Mayor Pro-Tem Moore opened the Public Hearing at 7:30 pm.

5. Case # PZ 2019-09 to conduct a public hearing to receive citizen's comments regarding a rezoning request of approximately 6.51 acres of land from the Agricultural (A) zoning district to the Single Family Residential (R-1) zoning district. The property is commonly known as 1140 W FM 917 with the legal description being Tract 39 of the E M Thomason

Survey, Abstract 827 in the City of Joshua, Johnson County, Texas as requested by Kent and Amanda Meyer.

a. Staff Presentation

Ms. Cabrera gave the members of the Council a brief description of the zoning change request.

b. Owner's Presentation

Kent Meyer, 1140 W FM 917, Joshua, TX addressed the commission with a short description of the request.

c. Those in Favor

No one wished to speak for the request.

d. Those Against

No one wished to speak against the request.

e. Owner's Rebuttal

No rebuttal was given.

Mayor Pro-Tem Moore closed the Public Hearing at 7:33 pm.

6. Discuss, consider and take action on Ordinance No. 752-2019 being an ordinance of the City Council of the City of Joshua, Texas, changing the zoning classification on a 6.51 acre tract of land more particularly described as Tract 39 of the E. M. Thomason Survey, Abstract 827, in the City of Joshua, Johnson County, Texas, from Agricultural (A) zoning district to Single Family Residential (R-1) zoning district; making findings relative thereto; providing a severability clause; providing for publication; providing for a penalty; and providing for an effective date. (Staff Resource: L. Cabrera)

Councilman Kidd made a motion to approve Ordinance No. 752-2019, seconded by Councilmen DePriest.

Motion passed unanimously.

Mayor Pro-Tem Moore opened the Public Hearing at 7:34 pm.

7. Case # PZ 2019-10 to conduct a public hearing to receive citizen's comments regarding a Conditional Use Permit to allow for a Contractor's Yard without Outside Storage in the Restricted Commercial (C-1) zoning district. The property is commonly known as 406 N. Broadway with the legal description being Tract 3 of the H G Cason Survey, Abs 156 in the City of Joshua, Johnson County, Texas as requested by Todd Ellis.

a. Staff Presentation

Ms. Cabrera gave the members of the Council a brief description of the Conditional Use request.

b. Owner's Presentation

No owner's presentation was given.

c. Those in Favor

No one wished to speak for the request.

d. Those Against

No one wished to speak against the request.

e. Owner's Rebuttal

No rebuttal was given.

Mayor Pro-Tem Moore closed the Public Hearing at 7:34 pm.

8. Discuss, consider and take action on Ordinance No. 753-2019 being an Ordinance of the City Council of the City of Joshua, Texas, amending the Official Zoning Map of the city of Joshua, Texas, by changing the zoning on property located at 406 North Broadway in the City of Joshua, Texas, consisting of approximately 1.36 acres of land more particularly described by as Tract 3 of the H. G. Cason Survey, Abstract 156, in the City of Joshua, Johnson County, Texas, from Restricted Commercial (C-1) to Restricted Commercial (C-1) with a Conditional Use Permit for a contractor's Yard without Outside Storage; repealing all conflicting ordinances; providing a severability clause; providing for a penalty; providing for publication; and providing an effective date. (Staff Resource: L. Cabrera)

A short discussion was held among the members of the Council and City Staff concerning the screening of outside storage and the business moving locations.

Councilman Kidd made a motion to approve Ordinance No. 753-2019, seconded by Councilman Kimble.

Motion passed without objection.

J. GENERAL ACTION ITEMS

Mayor Pro-Tem Moore opened the Public Hearing at 7:37 pm.

1. Case # CCW 2019-01 to conduct a public hearing to receive citizen's comments regarding an exception to Section 3.05.003(a)(4) which requires a fence to be no higher than six (6) feet on the property commonly known as 624 Waterford Way with the legal description being Lot 13R, Block 6 of the Cooper Valley PH 2-B2R Addition in the City of Joshua, Johnson County, Texas as requested by John Houston Homes.

a. Staff Presentation

Ms. Cabrera gave the members of the Council a brief overview of the exception request.

b. Owner's Presentation

Mike Martin, 624 Waterford Way, Joshua, TX addressed the members of the Council regarding the exception request.

c. Those in Favor

No one wished to speak for the request.

d. Those Against

No one wished to speak against the request.

e. Owner's Rebuttal

No rebuttal was given.

Mayor Pro-Tem Moore closed the Public Hearing at 7:40 pm.

2. Discuss, consider and take action regarding Case # CCW 2019-01 to consider approval of an exception to Section 3.05.003(a)(4) which requires a fence to be no higher than six (6) feet on the property commonly known as 624 Waterford Way with the legal description being Lot 13R, Block 6 of the Cooper Valley PH 2-B2R Addition in the City of Joshua, Johnson County, Texas as requested by John Houston Homes. (Staff Resource: L. Cabrera)

A discussion was held among the members of the Council and City Staff concerning the drainage issues of the subdivision, the retaining wall built without approval or permit, the final inspection of the home, and variances to all the homes on Waterford or just this address.

Councilman Kimble made a motion to approve the exception request, seconded by Councilman Purdom.

Motion passed unanimously.

3. Discuss, consider and take action to consider approval of a wall mural as required by Section 5.2.009(C)(1)(m) of the Zoning Ordinance of the City of Joshua to allow for a wall mural at 101 N Main Street as requested by Robbie Rumfield. (Staff Resource: L. Cabrera)

A short discussion was held among the members of the Council, City Staff and Mr. Rumfield concerning the property and the murals in Burleson.

Councilman Kidd made a motion to approve the murals, seconded by Councilwoman Connally.

Motion passed without objection.

4. Discuss, consider and take action regarding Ordinance No. 754-2019 being an Ordinance of the City Council of the City of Joshua, Texas, ordering a run-off election to be held on Saturday, June 15, 2019; providing for the designation of the polling place and manner of holding said election; providing for the designation of the early voting polling place; providing for the designation of the early voting clerk; providing for the posting and publication of notice; providing for the appointment of election officers; providing a severability and conflicts clause; and providing for an immediate effective date. (Staff Resource: L. Cabrera)

Ordenanza No. 754-2019 una orden del consejo municipal de la ciudad de Joshua, Texas, ordenando una elección de seguridad que se realizará el sábado 15 de junio de 2019; proporcionando la denominación del lugar de votación y el modo de realizar dichas elecciones; proporcionando la denominación del lugar de votación anticipada; proporcionando la denominación del comercial de votación temprana; proporcionando para la publicación y publicación de aviso; proporcionando para el nombramiento de oficiales de elección; proporcionando una cláusula de conformidad y separabilidad; y proporcionando una fecha efectiva inmediata.

Councilman Kimble made a motion to approve Ordinance No. 754-2019, seconded by Councilman Purdom.

Motion passed without opposition.

5. Discuss, consider and take action regarding the Solid Waste Contract renewal and authorize the City Manager to execute the contract. (Staff Resource: M. Peacock)

A lengthy discussion was held among the members of the Council, City Staff and Waste Management Representative, Norm Bulaich, concerning the RFP for solid waste, changing the billing to once a month, changing the bills to post card type bills, complaints from citizens, and possibly adding automatic drafts for citizens.

Councilman Kimble made a motion to approve the Solid Waste Contract renewal and authorize the City Manager to execute the contract, seconded by Councilman Purdom.

Motion passed without opposition.

6. Discuss, consider and take action regarding Ordinance No. 755-2019 being an Ordinance of the City Council of the City of Joshua, Texas amending Section 13.02.005, "Fees for Collection Services," of Article 13.02, "Solid Waste," of Chapter 13, "Utilities," of the Code of Ordinances of the City of Joshua, Texas; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing for a penalty for violations hereof; providing a savings clause; providing for publication in the official newspaper; and providing an effective date. (Staff Resource: M. Peacock)

A short discussion was held among the members of the Council and City Staff concerning the billing changes, transition issues, newsletters, paperless billing options, and deposits to open accounts.

Councilman Kimble made a motion to approve Ordinance No. 755-2019, seconded by Councilman Purdom.

Motion passed unanimously.

7. Discuss, consider and take action regarding the acceptance of the FY 2017-2018 Audit Report. (Staff Resource: J. Jones)

Chris Knopik and Reba Long presented the members of the Council and City Staff with the Audit Report and the issues found, but overall the Audit was a clean audit.

Councilman Kimble made a motion to accept the Audit, seconded by Councilman Purdom.

Motion passed unanimously.

8. Discuss, consider and take action regarding the Capital Improvements Program. (Staff Resource: J. Jones)

An in depth discussion was held among the members of the Council and City Staff concerning the Capital Improvements Program being a possible bond issue, the program being a guide, items are scored newly each year, and items in the program.

Councilman Kidd made a motion to accept the Capital Improvements Program, seconded by Councilman DePriest.

Motion passed without objection.

K. FYI ITEMS

1. Calendars (June - July 2019)
2. Monthly Reports
 - a. Police Department
 - b. Animal Control
 - c. Fire Department
 - d. Municipal Court
 - e. Public Works Department
 - f. Parks Department
 - g. Planning Department
 - h. Building Inspections/Permits
 - i. New Business Report
 - j. City Secretary
 - k. Outstanding Liens

No action was taken on the FYI Items.

L. EXECUTIVE SESSION

Mayor Pro-Tem Moore recessed into Executive Session at 8:32 pm.

The City Council shall convene in Closed Session in accordance with Texas Government Code:

1. § Section 551.087, Deliberation regarding economic development negotiations

M. RECONVENE IN OPEN SESSION

Mayor Pro-Tem Moore reconvened into Open Session at 9:05 pm.

The City Council shall convene in Open Session and may take any action related to discussion in Executive Session.

1. Discuss, consider and take action on economic development negotiation deliberations.

Councilman Kimble made a motion to approve the 380 Agreement and authorized Mayor Pro-Tem Moore to sign said agreement, seconded by Councilwoman Connally.

Motion passed without objection.

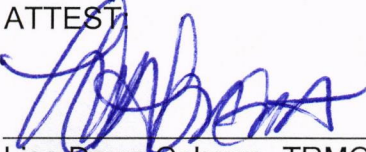
N. ADJOURNMENT

Mayor Pro-Tem Moore adjourned the meeting at 9:05 pm.



Kenny Robinson, Mayor

ATTEST



Lisa Dawn Cabrera, TRMC
City Secretary