



**MINUTES
CITY COUNCIL REGULAR MEETING
COUNCIL CHAMBERS
NOVEMBER 16, 2023
6:30 PM**

PRESENT

Mayor Scott Kimble
Councilmember Mike Kidd
Councilmember Merle Breitenstein
Councilmember Dakota Marshall
Councilmember Shelly Anderson

STAFF

City Manager Mike Peacock
City Secretary Alice Holloway
City Attorney Terry Welch
Asst. City Manager Amber Bransom

ABSENT

Councilmember Johnny Waldrip
Councilmember Angela Nichols

The Joshua City Council will hold a Work Session at 6:30 pm. A Regular Meeting will be held immediately following the Work Session in the Council Chambers at Joshua City Hall, located at 101 S. Main St., Joshua, Texas, on November 16, 2023. This meeting is subject to the open meeting laws of the State of Texas.

Individuals may attend the meeting in person or access the meeting via videoconference or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/88378847953?pwd=bkFFMINBaWpZNVVkdll0YlExYXljdz09>

Meeting ID: 883 7884 7953 Passcode: 182893

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Mayor Kimble 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

Mayor Kimble and the City Council led the Pledge of Allegiance.

C. INVOCATION

The invocation was given by Angela Brasher, Administrative Assistant at Joshua City Hall.

D. WORK SESSION

1. Review and discuss questions related to the budget report and financial statement for October 2023.
(Staff Resource: M. Peacock)

City Manager Peacock stated that most of the expenses are front-end loaded contractual expenses in the report.

2. Discuss and receive updates on city board meetings:

- Planning & Zoning Commission
- Type B EDC

No discussion on this item.

E. UPDATES FROM MAYOR AND COUNCIL MEMBERS, UPDATES FROM CITY STAFF MEMBERS:

Pursuant to Texas Government Code Section 551.0415, the Mayor and Members of the City Council may report on the following items of community interest, including (1) expressions of thanks, congratulations, or condolences; (2) information about holiday schedules, (3) recognition of individuals; (4) reminders about upcoming City Council events; (5) information about community events; and (6) announcements involving any imminent threat to public health and safety. Staff Updates will address operational issues in various City departments. No deliberation is authorized under the Texas Open Meetings Act.

Mayor Kimble noted that the fall festival was fun, and the band was very liked. In addition, Mayor Kimble stated that he attended the Young Life Annual Event and the Navy Ball. Also, he had lunch with the other mayors in Cleburne at an event hosted by the Johnson County Judge, attended the library board, and attended the JISD senior lunch and the monthly minister group.

F. PUBLIC FORUM, PRESENTATION, 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. Therefore, no Council deliberation is permitted. Each person will have 3 minutes to speak.

NA

G. CONSENT AGENDA

1. Discuss, consider, and possible action on meeting minutes of October 19, 2023.

Motion made by Councilmember Kidd to approve the meeting minutes as presented. Seconded by Councilmember Marshall.

Voting Yea: Mayor Kimble, Councilmember Kidd, Councilmember Breitenstein, Councilmember Marshall, Councilmember Anderson

H. REGULAR AGENDA

1. Public hearing on a request for a zoning change regarding approximately 5.51 acres of land in the Meyers Subdivision, Lot 2, BLK 1, County of Johnson, Texas, located at 1140 W FM 917, to change from (R-1) Single Family Residential District to the (A) Agricultural District.

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

Mayor Kimble opened the public hearing at 6:38 pm regarding a request for a zoning change regarding approximately 5.51 acres of land in the Meyers Subdivision, Lot 2, BLK 1, County of Johnson, Texas, located at 1140 W FM 917, to change from (R-1) Single Family Residential District to the (A) Agricultural District.

No comments were made by the public. Mayor Kimble closed the public hearing at 6:39 pm.

2. Discuss, consider, and possible action on an Ordinance changing the zoning on approximately 5.51 acres of land in the Meyers Subdivision, Lot 2, BLK 1, County of Johnson, Texas, located at 1140 W FM 917, to change from (R-1) Single Family Residential District to the (A) Agricultural District.

Motion made by Councilmember Anderson to approve an Ordinance changing the zoning on approximately 5.51 acres of land in the Meyers Subdivision, Lot 2, BLK 1, County of Johnson, Texas, located at 1140 W FM 917, to change from (R-1) Single Family Residential District to the (A) Agricultural District. Seconded by Councilmember Breitenstein.

Voting Yea: Mayor Kimble, Councilmember Kidd, Councilmember Breitenstein, Councilmember Marshall, Councilmember Anderson

3. Discuss, consider, and possible action on an Ordinance repealing existing section 5.07, "Food Trucks," of Article 5, "Permitted Uses," of the Zoning Ordinance, found in Chapter 14, "Zoning," of the Code of Ordinances and adopting new food truck regulations by adding a new Article 1.10, "Food Trucks," to Chapter 1, "General Provisions," of the Code of Ordinances, providing for the regulation of food trucks.

City Attorney Welch stated that based on the previous discussion, the food truck provisions were removed from the Planning & Zoning Ordinance. He stated that this is a streamlined process that will go through the permit process.

Councilmember Anderson stated that the proposed ordinance does not match the discussion from previous minutes, and she would like a redline version of what is being changed.

Councilmember Anderson stated that they keep hearing the city needs to make changes but not hearing from others on why we need to make changes.

City Attorney Terry Welch stated that the same provisions from the current ordinance are in the proposed ordinance. He noted some of the same things in both ordinances are restroom requirements, properly zoned property, and a permission letter from the property owner shall not be located within 500 ft. of any resident. In addition, he noted that a time limit of no longer than 72 hours, and a permit fee of \$25.00.

Councilmember Breitenstein stated he would also like to see a redline too.

Councilmember Marshall asked if this was for special events or everyday use. Mayor Kimble stated that the proposed ordinance is for everyday use. Councilmember Marshall stated that his opinion is that we should have a designated area, such as the planned food truck park.

City Attorney Welch stated that he will rewrite the ordinance and send it to staff to review prior to the December meeting.

4. Discuss, consider, and possible action on a Resolution affirming the casting of votes in the 2024-2025 Election of the Board of Directors for Johnson County Central Appraisal District.

Motion made by Councilmember Kidd to cast 51 votes for Mr. Goulding, Seconded by Councilmember Anderson.

Voting Yea: Mayor Kimble, Councilmember Kidd, Councilmember Breitenstein, Councilmember Marshall, Councilmember Anderson

5. Discuss, consider, and possible action on a resolution authorizing Type B Economic Development Corporation expenditure for equipment for the parks department.

Councilmember Breitenstein stated that the Type B EDC/Parks Board authorized the following purchases:

| | | |
|---|--|----------|
| • | Minor Tools | \$1200 |
| • | Park Building R&M | \$20,261 |
| • | Dump Trailer | \$9,561 |
| • | Heavy Blower | \$15,999 |
| • | Power Washer Trailer | \$10,858 |
| • | Less Budget Revenue for Zero Turn Mowers | \$29,500 |

Motion made by Councilmember Anderson to approve a resolution authorizing Type B Economic Development Corporation expenditure for equipment for the parks department. Seconded by Councilmember Breitenstein.

Voting Yea: Mayor Kimble, Councilmember Kidd, Councilmember Breitenstein, Councilmember Marshall, Councilmember Anderson

I. STAFF REPORT

1. Police Department Monthly Report October 2023
2. Joshua Fire Department
3. Municipal Court Report
4. Public Works
5. Animal Services
6. Development Services
7. City Secretary's Office

J. 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 to consult with the City Attorney relating to pending litigation, to wit: Ling Zeng vs. City of Joshua et. al., Civil Action No. 3:23-CV-1570-D.
2. 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
 - b. City Secretary

Mayor Kimble announced the city council will recess into Executive Session at 7:33 pm.

K. 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.

Mayor Kimble announced the city council reconvened into Regular Session at 9:52 pm.

Motion made by Councilmember Kidd to approve what was discussed in executive session. Seconded by Councilmember Anderson.

Voting Yea: Mayor Kimble, Councilmember Kidd, Councilmember Breitenstein, Councilmember Marshall, Councilmember Anderson

L. FUTURE AGENDA ITEMS/REQUESTS BY COUNCIL MEMBERS 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.

M. ADJOURN

Mayor Kimble adjourned the meeting at 9:52 pm.

Scott Kimble

Scott Kimble, Mayor

Alice Holloway

Alice Holloway, City Secretary

Approved: December 21, 2023