



**AGENDA  
CITY COUNCIL SPECIAL MEETING  
COUNCIL CHAMBERS  
MAY 11, 2023  
11:00 AM**

The Joshua City Council will hold a Regular Meeting in the Council Chambers at the Joshua City Hall, located at 101 S. Main St., Joshua, Texas, on May 11, 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/85747002007?pwd=TmVIN1htMWhHNy9mWFRsZ0RwYVVQZz09>

Meeting ID: 85747002007 Passcode: 397185 or dial 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 is located on the City's website ([cityofjoshuatx.us](http://cityofjoshuatx.us)) on the Agenda/Minutes/Recordings page. Speaker cards received by 5:00 pm on or before the day of the meeting will be read during open session by the City Secretary.

**By phone:** Please call 817/558-7447 ext. 2003 by 5:00 pm on or before the day of the meeting and provide your name, address, and question. The City Secretary will read all questions in the order they are received.

**A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT**

**B. REGULAR AGENDA**

1. Discuss, consider, and possible action on an Ordinance canvassing the returns and declaring the results of the May 06, 2023.

**C. 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.*

**D. ADJOURN.**

The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551.071 for private consultation with the attorney for the City

Pursuant to Section 551.127, Texas Government Code, one or more Councilmembers may attend this meeting

remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting. A quorum will be physically present at the posted meeting location of City Hall.

In compliance with the Americans with Disabilities Act, the City of Joshua will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 817/558-7447.

**CERTIFICATE:**

I hereby certify that the above agenda was posted on or before the May 06, 2023, by 12:00 pm on the official bulletin board at Joshua City Hall, 101 S. Main, Joshua, Texas.

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Alice Holloway  
City Secretary

CITY OF JOSHUA, TEXAS

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION HELD ON SATURDAY, MAY 6, 2023, FOR THE PURPOSE OF AUTHORIZING THE CITY TO ISSUE \$15,000,000 IN TAX-EXEMPT BONDS FOR A CITY HALL COMPLEX, INCLUDING A POLICE STATION; MAKING FINDINGS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Joshua, Texas, is a Texas Home Rule Municipality located in Johnson County, Texas, and created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Joshua, Texas ("City Council"), issued an order on February 16, 2023, directing that a special election be held on May 6, 2023, for the purpose of authorizing the City to issue \$15,000,000 in tax-exempt bonds for a City Hall Complex, including a Police Station; and

WHEREAS, notice of the election was properly given by the City as required by law; and

WHEREAS, said election was duly and legally held on May 6, 2023, in the City and in full conformity with the election laws of the State of Texas, and the results of said election have been certified and returned by the proper judge and clerks thereof; and

WHEREAS, the City Council has considered the returns of the special election held on May 6, 2023, and the special election returns, duly and legally made, showed that the following number of votes was cast for the bond proposition as follows:

	Total Number of Absentee and Early Voting Votes	Total Number of Election Day Votes	Total Votes	Percentage
FOR	48	49	97	29.1%
AGAINST	85	151	236	70.9%

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THAT:

**SECTION 1**

All of the above premises are hereby found to be true and correct factual and legislative determinations of the City of Joshua and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2**

It is further found and determined that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish language (to the extent required by law), that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all resident, qualified voters of the City were permitted to vote at the election, that due returns of the results of the election had been made and delivered, and that the City Council has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America, and the order calling the election.

**SECTION 3**

The total number of voters in the Bond Special Election was 334. A majority of the resident, qualified voters of the City of Joshua, Texas, voting in such election, voted AGAINST the authorization and issuance of \$15,000,000 of bonds and the levy and pledge of the tax in payment thereof as provided in Proposition A and the City Council hereby finds and determines that Proposition A failed at the election, that the election was duly called, that proper notice was given, and that the election was held in all aspects in conformity with the law.

**SECTION 4**

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect.

**SECTION 5**

It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551 of the Texas Government Code, as amended.

**SECTION 6**

This Ordinance shall take effect from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS ON THIS THE 11<sup>TH</sup> DAY OF MAY, 2023.**

\_\_\_\_\_  
**Scott Kimble, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Alice Holloway, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Terrence S. Welch, City Attorney**

**CITY OF JOSHUA, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, CANVASSING RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION HELD ON SATURDAY, MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY CERTAIN HOME-RULE CHARTER AMENDMENTS TO THE HOME-RULE CHARTER OF THE CITY OF JOSHUA, TEXAS; PROVIDING A SEVERABILITY AND CONFLICTS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Joshua, Texas, is a Home Rule Municipality located in Johnson County, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council of the City of Joshua, Texas, ("City Council"), issued an order on February 16, 2023, directing that a special election be held on May 6, 2023, for the purpose of submitting to the qualified voters of the City of Joshua certain Home-Rule Charter amendments; and

**WHEREAS**, notice of the special election was properly given by the City as required by law; and

**WHEREAS**, said election was duly and legally held on May 6, 2023, in the City and in conformity with the election laws of the State of Texas, and the results of said election have been certified and returned by the proper judge and clerks thereof; and

**WHEREAS**, the City Council has considered the returns of said election held on May 6, 2023.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THAT:**

**SECTION 1**

All of the above premises are hereby found to be true and correct factual and legislative determinations of the City of Joshua and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2**

A. The returns of the Special Election, including the returns of early voting ballots, held on Saturday, May 6, 2023, for the purpose of submitting to the qualified voters of the City propositions regarding certain amendments to the City Charter of the

City of Joshua, Texas (hereinafter referred to as the “Charter Amendment Election”), showed that there were the following votes “Yes” and “No” for each of the following propositions:

**PROPOSITION A**

Shall Section 3.06 of the City Charter, entitled “Vacancies and Forfeiture of Office,” be amended to provide that a member of the City Council may forfeit office if the member fails to attend three (3) consecutive regular City Council meetings without being excused by the City Council, and the City Council shall be the final judge in matters involving forfeiture of office by a member of the City Council?

	<b>Total Number of Absentee and Early Voting Votes:</b>	<b>Total Number of Votes on Saturday, May 6, 2023:</b>	<b>Total Number of Votes:</b>
<b>Yes</b>	<b>113</b>	<b>160</b>	<b>273</b>
<b>No</b>	<b>19</b>	<b>38</b>	<b>57</b>

**PROPOSITION B**

Shall Section 4.01 of the City Charter, entitled “City Council Places and Terms,” be amended to define how terms of office are computed in determining term limits; defining the date on which a vacancy in office occurs, pursuant to the Texas Election Code; and defining the amount of time that a term-limited member of the City Council may not hold any position on the City Council?

	<b>Total Number of Absentee and Early Voting Votes:</b>	<b>Total Number of Votes on Saturday, May 6, 2023:</b>	<b>Total Number of Votes:</b>
<b>Yes</b>	<b>107</b>	<b>156</b>	<b>263</b>
<b>No</b>	<b>24</b>	<b>42</b>	<b>66</b>

**PROPOSITION C**

Shall Section 4.10 of the City Charter, entitled “Vacancies,” be amended to provide that if there is a vacancy on the City Council, when twelve (12) months or less remain in the unexpired term, the City Council may appoint an individual by majority vote to serve the remainder of said term?

	<b>Total Number of Absentee and Early Voting Votes:</b>	<b>Total Number of Votes on Saturday, May 6, 2023:</b>	<b>Total Number of Votes:</b>
<b>Yes</b>	<b>99</b>	<b>99</b>	<b>198</b>
<b>No</b>	<b>33</b>	<b>100</b>	<b>133</b>

**PROPOSITION D**

Shall Section 9.05 of the City Charter, entitled “Right of Regulation,” be amended to delete the provision that public franchisees must receive the City Manager’s approval to cut any asphalt or concrete street or thoroughfare?

	<b>Total Number of Absentee and Early Voting Votes:</b>	<b>Total Number of Votes on Saturday, May 6, 2023:</b>	<b>Total Number of Votes:</b>
<b>Yes</b>	<b>81</b>	<b>85</b>	<b>166</b>
<b>No</b>	<b>49</b>	<b>112</b>	<b>161</b>

**PROPOSITION E**

Shall Section 11.06 of the City Charter, entitled “Nepotism,” be replaced with a new nepotism provision in accordance with Texas state law?

	<b>Total Number of Absentee and Early Voting Votes:</b>	<b>Total Number of Votes on Saturday, May 6, 2023:</b>	<b>Total Number of Votes:</b>
<b>Yes</b>	<b>102</b>	<b>143</b>	<b>245</b>
<b>No</b>	<b>30</b>	<b>46</b>	<b>76</b>

**PROPOSITION F**

Shall Section 11.12 of the City Charter, entitled “Official Medium,” be amended to provide that City ordinances, notices and other matters shall be published once in the City’s official newspaper instead of twice?



	<b>Total Number of Absentee and Early Voting Votes:</b>	<b>Total Number of Votes on Saturday, May 6, 2023:</b>	<b>Total Number of Votes:</b>
<b>Yes</b>	<b>74</b>	<b>70</b>	<b>144</b>
<b>No</b>	<b>58</b>	<b>124</b>	<b>182</b>

**PROPOSITION G**

Shall the City Charter be amended throughout to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure, revise references to repealed or obsolete provisions of state law and conform notice and publication requirements to state law?

	<b>Total Number of Absentee and Early Voting Votes:</b>	<b>Total Number of Votes on Saturday, May 6, 2023:</b>	<b>Total Number of Votes:</b>
<b>Yes</b>	<b>112</b>	<b>142</b>	<b>254</b>
<b>No</b>	<b>21</b>	<b>50</b>	<b>71</b>

B. Except for Proposition F, the above foregoing amendments to the City of Joshua, Texas, Home-Rule Charter having been approved by a majority of the qualified voters of the City who voted at the Charter Amendment Election, the said amendments are hereby declared adopted, in accordance with Section 9.005(a) of the Texas Local Government Code, as amended, and shall take effect immediately upon the passage of this Ordinance, in accordance with Section 9.005(b) of the Texas Local Government Code, as amended.

C. Except for Proposition F, the above and foregoing amendments having been adopted, it is hereby ordered that such amendments to the City Home-Rule Charter have been and are adopted, so that the provisions of the City Home-Rule Charter which were subject of the Charter Amendment Election shall read as adopted and added to the respective Home-Rule Charter as adopted.

D. The total number of voters in the Charter Amendment Election was 334.

**SECTION 4**

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the City Council hereby declares it

would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect.

**SECTION 5**

This Ordinance shall take effect from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS ON THIS THE 11<sup>TH</sup> DAY OF MAY, 2023.**

\_\_\_\_\_  
**Scott Kimble, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Alice Holloway, City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Terrence S. Welch, City Attorney**